

1                   IN THE UNITED STATES DISTRICT COURT  
2                   NORTHERN DISTRICT OF ILLINOIS  
3                   EASTERN DIVISION

4                   UNITED STATES OF AMERICA                 ) Case No. 23 CR 00028  
5   )  
6                   v.   )  
7                   JEFF McGRAW,                                 ) Chicago, Illinois  
8   ) February 10, 2025  
9   ) 1:30 p.m.  
10                   Defendant.                                     )

11                   TRANSCRIPT OF PROCEEDINGS - SENTENCING HEARING  
12   )  
13                   BEFORE THE HONORABLE EDMOND E. CHANG

14                   APPEARANCES:

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35   PROCEEDINGS REPORTED BY STENOTYPE  
36   TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION

1                   (Proceedings heard in open court; defendant present:)

2                   THE CLERK: 23 CR 28, USA versus Jeff McGraw.

3                   THE COURT: Okay. Good afternoon. Let's get  
4 appearances.

5                   MR. ARCE: Good morning, your Honor. Jimmy Arce,  
6 A-r-c-e, on behalf of the United States stepping in for Brandon  
7 Stone.

8                   MS. DOLGOSHEEVA: Good afternoon, your Honor. Yelena  
9 Dolgosheeva on behalf of Mr. McGraw who's present to my left.

10                  THE COURT: Okay. Good afternoon.

11                  Good afternoon, Mr. McGraw.

12                  THE DEFENDANT: Good afternoon.

13                  THE COURT: And can you make sure your -- that green  
14 light is on?

15                  THE DEFENDANT: Yeah, it's on.

16                  THE COURT: All right. So just maybe pull it closer  
17 to you, talk right into the mike.

18                  And from the probation office?

19                  THE PROBATION OFFICER: Good afternoon, your Honor.  
20 Raquel Butler with U.S. Probation.

21                  THE COURT: Okay. Good afternoon to you as well.

22                  We're here for sentencing. Are both sides ready to  
23 proceed?

24                  MR. ARCE: Yes, your Honor.

25                  MS. DOLGOSHEEVA: Yes, your Honor.

1                   THE COURT: Okay. Mr. McGraw, we're going to start  
2 with you. Okay. I want to make sure you've had enough time to  
3 prepare for today's hearing and also that you have received all  
4 the written filings leading up to today. So first question --  
5 well, actually, before I ask you these questions, you do need  
6 to be put under an oath to tell the truth.

7                   And I'll ask the courtroom deputy to do that now.

8                   THE CLERK: Would you please raise your right hand.

9                   (Defendant sworn.)

10                  THE DEFENDANT: I do.

11                  THE CLERK: Thank you.

12                  THE COURT: All right. Mr. McGraw, there were a  
13 number of things filed, so let's just make sure you've gotten  
14 all of them. First, there was a presentence report that was  
15 prepared by the probation office, single spaced, had all sorts  
16 of information about you and the offense and so on.

17                  Do you remember receiving a copy of that?

18                  THE DEFENDANT: Yes, sir.

19                  THE COURT: Okay. And then -- let's go off the record  
20 for a second.

21                  (Discussion off the record.)

22                  THE COURT: Okay. Aside from the presentence report,  
23 the government filed a sentencing memo, and your lawyer filed a  
24 sentencing memo and then a response to the government's memo.  
25 So have you seen copies of all those things?

1                   THE DEFENDANT: Yes.

2                   THE COURT: And then have you had enough time to  
3 prepare for today's sentencing?

4                   THE DEFENDANT: Yes, sir.

5                   THE COURT: And with regard to Ms. Dolgosheeva's  
6 representation of you, are you still satisfied with her  
7 representation of you in this case?

8                   THE DEFENDANT: Absolutely.

9                   THE COURT: Okay. And that means in part that she  
10 spent enough time with you?

11                  THE DEFENDANT: Yes.

12                  THE COURT: Okay. And also when you've asked her  
13 questions, did she at least try to answer them?

14                  THE DEFENDANT: Yes. She's very great with  
15 communication.

16                  THE COURT: Okay. Yeah, I didn't expect anything  
17 different from that. I just need to ask questions for the  
18 record.

19                  With regard to the presentence report itself, the  
20 defense memo had a number of proposed corrections. Setting  
21 aside the sentencing guidelines dispute for the moment, we'll  
22 get to those, of course, but there were some other proposed  
23 corrections so let me -- let's go through those.

24                  And first, this is on Page 4 of the defense sentencing  
25 brief which is docket entry 124. First, with regard to the

1 GED, Ms. Dolgosheeva, do you have any records of the defendant  
2 obtaining the GED?

3 MS. DOLGOSHEEVA: I do not, your Honor. I believe his  
4 mother has it somewhere but because she moved from Chicago to  
5 Texas, it's somewhere lost in her items.

6 THE DEFENDANT: Yeah, she got it.

7 MS. DOLGOSHEEVA: Oh, she actually has it here in the  
8 courtroom.

9 THE COURT: Why don't you go talk with her for a  
10 moment.

11 (Discussion off the record.)

12 MS. DOLGOSHEEVA: Your Honor, can we go to the next  
13 objection, and Ms. Malone will look for the copy on her phone.

14 THE COURT: The other way to do this, especially if  
15 it's going to be digital is, it's Paragraph 122 in particular  
16 that describes the defendant saying that he took an online  
17 course. And so it's not so much the cover sheet, Page 2. It's  
18 Paragraph 122 that I think would need to be adjusted.

19 So and I'm not going to be able to make a decision on  
20 this based on the digital copy that the probation office hasn't  
21 had a chance to verify. What I do urge you to do is as quickly  
22 as you can, try to verify it. Provide it to the probation  
23 office. And if you can convince the probation office and the  
24 government that he has his GED, then I can make a correction to  
25 the PSR within the timeframe of the usual corrections.

1           If that doesn't happen within that timeframe, you can  
2 still as his lawyer try to supply that to the Bureau of Prisons  
3 so that they can be convinced one way or the other that on  
4 whether he has a GED. It is pretty important because the  
5 Bureau of Prisons, I think, will require him to take GED  
6 classes if he has not proven to them that he has one.

7           So if he wants to avoid that, you definitely should  
8 follow up with the BOP. But we'll see if we can get it done in  
9 the corrected PSR but, if not, you have that other route. All  
10 right?

11           MS. DOLGOSHEEVA: Thank you, Judge.

12           THE COURT: And then, all right, the next proposed  
13 correction -- okay. I think this one, so Paragraph 7 of the  
14 PSR describes what was in the Calumet City police report. And  
15 I think it accurately describes what was in the police report.  
16 It's in the grand jury testimony that this person who is an  
17 alleged victim with the initials TM -- in the instance they're  
18 victims, we do tend to refer to them by their initials -- that  
19 TM, instead of saying that as the Cal City arrest report says  
20 she said, that she saw the defendant strike ZJ that, in fact,  
21 she entered the room, TM, and saw ZJ on the ground and so on  
22 but did not see the striking.

23           So I think the way to make sure that when other  
24 readers see this that they don't take the Cal City report of  
25 what TM said as actually having happened because I think at

1 this point, the government also acknowledges that in the grand  
2 jury, TM testified that she entered the room and already saw  
3 her daughter on the floor.

4 MR. ARCE: Correct.

5 THE COURT: Okay. So I think what we could do here is  
6 after the sentence on Page 5 of the PSR, Paragraph 7 that says,  
7 "The victim's mother then saw McGraw punch the victim in the  
8 face with a closed fist," we could put in parenthesis right  
9 after that, "The Court found at sentencing that consistent with  
10 the grand jury testimony of the victim's mother, the mother did  
11 not see McGraw punch the victim in the face," period.

12 Does that solve it?

13 MS. DOLGOSHEEVA: Yes, your Honor.

14 THE COURT: Okay. So I'll ask the probation office to  
15 make that change.

16 Okay. Next, yeah, the reference to the extended mag,  
17 there was no extended magazine, right?

18 MR. ARCE: Judge, I'm reading the report from the  
19 Calumet City Police Department in which they noted that there  
20 was a loaded Glock 45 .9 millimeter handgun containing a  
21 magazine with 20 9-by-19 live rounds. That would qualify as an  
22 extended magazine at least according to the inventory report.

23 THE COURT: Yeah, that is according to the inventory  
24 report, but does it actually, in fact, have an extended mag?

25 MR. ARCE: Judge, I was relying on this inventory

1 report.

2 THE COURT: I mean, you've physically seen --

3 MR. ARCE: I have not. I personally have not  
4 physically seen this firearm.

5 THE COURT: Okay. Well, there's a photo of it. I  
6 think the defense memo had a photo.

7 MS. DOLGOSHEEVA: It was the government's memo that  
8 had the photograph.

9 THE COURT: Oh, okay.

10 MS. DOLGOSHEEVA: The version of the offense,  
11 government's version of the offense had a photograph of the  
12 firearm.

13 THE COURT: And while we're looking at that, does the  
14 probation office have more information on this or just what was  
15 in the inventory report?

16 THE PROBATION OFFICER: Just what was in the inventory  
17 report.

18 THE COURT: Yeah, so, Mr. Arce?

19 MR. ARCE: Yes, I can confer with the original AUSA,  
20 and I can confer with the agency. Again, I'm just going off of  
21 what was reported in the inventory report. I understand that  
22 the photograph --

23 THE COURT: Yeah, does not show -- it's docket entry  
24 113, Page 2. That does not look like 20 rounds could fit in  
25 there. Okay. So and, I mean, the time for sentencing is now

1 so I don't -- as much as Ms. Dolgosheeva's reference to a  
2 digital copy of the GED report, I can't just, you know, have  
3 you confer and then report back to me this way. So we're going  
4 to change that to, similar to the prior alteration, that in  
5 parenthesis after that sentence in Paragraph 9, "The Court  
6 found at the sentencing" -- or "At the sentencing, the Court  
7 found that the firearm did not have an extended magazine."

8           Okay. Does that take care of that one,  
9 Ms. Dolgosheeva?

10           MS. DOLGOSHEEVA: Yes, your Honor.

11           THE COURT: Okay. So the next proposed correction has  
12 to do with the prior conviction for conspiracy to commit  
13 murder. And the concern, I guess, raised by the defense is  
14 that the phrasing of "was involved in a shootout" in Paragraph  
15 38 might be read to say that the defendant was the shooter.

16           So what's the government's position on this?

17           MR. ARCE: Judge, I think that the PSR accurately  
18 reflects the facts surrounding this particular incident. He  
19 was present during a shootout. He had a gun during the  
20 shootout. I understand that they may quibble as to whether or  
21 not he personally fired a firearm during that shootout, but  
22 those other facts that are listed there are true. That is what  
23 the allegations and the charges were. And so I don't see any  
24 need to correct that.

25           MS. DOLGOSHEEVA: Your Honor, I don't believe he had a

1 gun at -- there was only two individuals who had a gun: The  
2 people who were shooting at each other. He did not have a gun.

3 THE COURT: Okay. Here's what I propose, that it  
4 would say, "An online query revealed the defendant entered into  
5 a conspiracy which resulted in the death of one of his  
6 associates." I think that squares with the plea colloquy and  
7 which was a very short plea colloquy.

8 So is there any objection to that from the defense?

9 MS. DOLGOSHEEVA: Not from the defense, your Honor.  
10 Thank you.

11 THE COURT: Mr. Arce?

12 MR. ARCE: That's fine, Judge.

13 THE COURT: Okay. So just one more time for the  
14 probation office's sake, "An online query revealed the  
15 defendant entered into a conspiracy which resulted in the death  
16 of one of his associates."

17 Okay. Next, so then the next set of objections has to  
18 do with more like the guideline argument over -- in connection  
19 with a felony, so I think we can save that for that part of the  
20 argument. The same thing with the next objection that's stated  
21 in the defense response has to do with the obstruction of  
22 justice, so we can save that for the guidelines argument.

23 Okay. And then lastly, what the defense calls as a  
24 mischaracterization of recorded phone calls in PSR Paragraph  
25 17, so, Ms. Dolgosheeva, I think without you yourself offering

1 some additional either transcripts or the calls themselves, it  
2 is difficult to just accept, you know, your representation as  
3 you put in a brief here that "while counsel does not recall  
4 specifics of numerous recorded phone calls," and then you go on  
5 to describe what you remember the phone calls to describe.

6 I think the way that we deal with this is to simply  
7 leave it as-is because it is the agent characterizing the phone  
8 calls. I'm not going to rely on it. It's just, it's the PSR  
9 accurately reporting what the agent said, and I won't rely on  
10 that. So would that take care of the concern?

11 MS. DOLGOSHEEVA: Yes, your Honor. My only concern  
12 was that the agent unfairly villainizes Mr. McGraw in making  
13 those statements, but if your Honor said if you're not taking  
14 those statements in consideration for sentencing purposes.

15 THE COURT: Yeah, so that statement of the agent's  
16 characterization of the defendant's villainy I don't think is  
17 neither here nor there, and I'm not going to rely on it.

18 Okay. So and then I think everything else is  
19 connected to the guidelines objections. Is that right,  
20 Ms. Dolgosheeva?

21 MS. DOLGOSHEEVA: Yes, your Honor.

22 THE COURT: Okay. So still setting aside the  
23 guidelines arguments, I otherwise adopt the presentence report  
24 subject to the edits that were just made.

25 MR. ARCE: Judge, I apologize, and I don't mean to

1 interrupt you, but before we move on to this point, I do have a  
2 lab report that was turned over to defense counsel. The  
3 firearm, even though it may not look like it had an extended  
4 magazine, did have more than 16 rounds in the magazine inserted  
5 into the firearm which would qualify as an extended magazine.

6 THE COURT: And I think the time to have proffered  
7 that evidence to the Court would have been in advance of  
8 sentencing.

9 MR. ARCE: And to be fair, Judge, we did proffer that.  
10 That's in the -- that's in the government's version, and it's  
11 consistent with the report that was attached to it. Ms. -- the  
12 defense counsel has argued that based on a photograph that that  
13 doesn't seem to be true, but the evidence that we've submitted  
14 actually supports that conclusion that it did have more than 16  
15 rounds.

16 THE COURT: Which exhibit is this? Is it Exhibit 2,  
17 the Cal City --

18 MR. ARCE: Yes.

19 THE COURT: -- police report?

20 MR. ARCE: Yes.

21 THE COURT: Has the lab report attached to it, not  
22 just the narrative of what happened?

23 MR. ARCE: No, it has a narrative of what happened  
24 but --

25 THE COURT: Oh, no, right. I'm saying the lab report

1 is what I would have expected to have before sentencing as part  
2 of the sentencing record. So is that lab report part of  
3 Exhibit 2?

4 MR. ARCE: No, Judge, it's not, but it is consistent  
5 with the conclusions or the inventory of the firearm by Calumet  
6 City.

7 THE COURT: Okay. I appreciate that. The finding  
8 remains as-is. Anything else?

9 MR. ARCE: No, Judge.

10 THE COURT: Okay. Then I otherwise adopt the  
11 presentence report as based on detailed and reliable  
12 information subject to the edits we just made as well as to the  
13 guidelines argument so that we can move on to that.

14 Okay. So the first argument on this is, in connection  
15 with a felony. So is there anything else the government wants  
16 to add to its written filing on this particular point?

17 MR. ARCE: No, Judge.

18 THE COURT: How about the defense?

19 MS. DOLGOSHEEVA: No, your Honor. We'll rest on our  
20 filings.

21 THE COURT: Okay. So here's what -- I think the  
22 particular felony that would possibly qualify is actually home  
23 invasion. The other statutes under state law, I think somewhat  
24 surprisingly, don't actually amount to felonies, but the home  
25 invasion I think does qualify so both as a matter of law and

1 then I'll get to the facts in a moment.

2           For as a matter of law under 720 ILCS Chapter 5,  
3 Section 19-6, subsection (a)(3), it is a home invasion to  
4 knowingly enter and remain in the residence until a defendant  
5 knows that persons are present, and then subsection (a)(3) is  
6 while armed with a firearm and then threatens the imminent use  
7 of force. So that is a felony. And it doesn't matter, that  
8 form of home invasion does not require that the defendant enter  
9 without authorization which is I think the argument that the  
10 defense had fairly made as to the most common form of home  
11 invasion, which is entering without authorization.

12           There's another form of it in the same, very same  
13 section that prohibits knowingly entering even with  
14 authorization and then remains until you know persons are  
15 present and then threatens the persons with a firearm and the  
16 use, the imminent use of force. So as a matter of law, that  
17 can qualify.

18           The other statutes that had been proposed, battery, of  
19 course, doesn't apply, and the assault, the form of assault  
20 that was proposed is actually misdemeanor somehow. I don't  
21 know why that is, but it is, but home invasion does qualify.  
22 And the intimidation statute that was proposed by the  
23 government as an alternative, that doesn't -- what's missing  
24 there factually is an intent to cause the individuals to do  
25 something. And we just don't have any specifics on that. But

1 home invasion does cover it as a matter of law.

2 As a matter of fact, so the question here is, did the  
3 defendant point the gun at the victims here, ZJ and TM, and  
4 threaten to kill them, although probably pointed the gun is  
5 itself enough of a threat of the imminent use of force, but  
6 along with the verbal threats that I don't need to put what was  
7 alleged in the grand jury testimony on the record, but that  
8 certainly would qualify as a threat of the imminent use of  
9 force.

10 So here by a preponderance of the evidence, the  
11 government has shown that this did happen in the way that the  
12 government has offered. So first, the victim TM did testify in  
13 the grand jury under oath in a way that I think actually is  
14 much more careful than what she had told the Calumet City  
15 police on scene. And the grand jury testimony says that the  
16 defendant had pointed the guns at -- the gun at both victims  
17 and made that verbal threat at the same time. And the grand  
18 jury testimony is more careful in that it no longer says that  
19 TM saw Mr. McGraw punch the victim in the mouth but instead saw  
20 that the victim was on the floor and had a bloody mouth by the  
21 time that TM entered the room.

22 So one can certainly understand on -- at the time of  
23 the attack and given the chaos and distress of the situation in  
24 the moment that the victim's mother would say to Calumet City  
25 police that, "I saw him punch her" because that is obviously

1 the inference to be drawn by the -- what she saw when she  
2 entered into the room. So I don't think that discredits her  
3 grand jury testimony at all.

4 There's also the 911 call in which the victim's mother  
5 says that at almost the four-minute mark of the call and yells  
6 to the 911 operator, "Come before we be dead." And so that is  
7 also consistent with being threatened at gunpoint.

8 So when you add that plus ZJ's own grand jury  
9 testimony which is consistent with her mother's and which was  
10 also under oath, the government has satisfied its burden of  
11 proving that the victims were the -- were subjected to this  
12 threat and the gun pointing.

13 And nothing in the defense kind of version of the  
14 facts in terms of the situation with Ms. Asia Martin and the  
15 allegations that Ms. -- that ZJ herself had a firearm, none of  
16 that undermines the affirmative showing that the government has  
17 made. So those four levels and the proposed corrections that  
18 the defense had made and offered in connection with this do  
19 apply.

20 All right. Now, on the obstruction of justice, is  
21 there anything more the government has to add on this?

22 MR. ARCE: No, your Honor.

23 THE COURT: And the defense?

24 MS. DOLGOSHEEVA: No, your Honor.

25 THE COURT: Okay. This is, I think, similar here

1 where once the finding is in place that Mr. McGraw used the gun  
2 to threaten TM and ZJ, then a natural carry-over of that  
3 finding is that this call from October 31 of 2022 from the jail  
4 that was recorded at about Page 6, Line 27 of the transcript in  
5 which Mr. McGraw says, "Your OG," referring to the victim's  
6 mother, "just got to let them know that I never had no gun.  
7 She said that so the police can hurry up and come."

8 Well, then that's an obvious instruction to the victim  
9 to tell the victim's mother that, tell the federal agents a  
10 lie. This is all in the context of the subpoenas and the  
11 agents, the federal subpoenas and the federal agents that had  
12 tried to interview ZJ. So with that established, the gunpoint  
13 threats establish this is just an instruction to outright lie  
14 to federal agents.

15 And it's not a trivial lie. This is an instruction to  
16 commit a federal crime, and it even supplied a motive, I think  
17 quite craftily, a motive to the mother that, "I even have a  
18 reason why I said that on the call. It's to get you to  
19 come" -- the police to hurry up and come. So that is -- that's  
20 obstruction flat-out.

21 All right. So with that finding in place, any further  
22 argument on acceptance of responsibility from the government?

23 MR. ARCE: Judge, our argument remains the same.  
24 Given the facts that you've just laid out, given the proffer, I  
25 guess, in the defense's sentencing memorandum, the defendant

1 has continued to not accept his responsibility for the actions  
2 he's committed here, and so three points for acceptance should  
3 not be available to the defendant.

4 THE COURT: Ms. Dolgosheeva?

5 MS. DOLGOSHEEVA: Judge, Mr. McGraw has completely  
6 accepted his responsibility in this case. And I'm not clear  
7 what the government means by the fact that he has not. He has  
8 admitted, you know, that he had a machine gun. He has admitted  
9 that there was a domestic violence incident on the day he got  
10 arrested. He admitted to possession of guns.

11 There's really nothing more that he can possibly admit  
12 to. And he admitted to obstruction of justice. So the actual  
13 obstruction was a single incident that happened before he was  
14 indicted on this case. Later on he full and honestly took  
15 responsibility for everything that has transpired including  
16 relevant conduct and admitted to it, and I think he should  
17 receive the three-point reduction for acceptance of  
18 responsibility.

19 THE COURT: Okay. Given that the defendant did not  
20 admit and continued to contest that he used the gun as part of  
21 the threat against ZJ and TM which is a crucial part of the  
22 possession of the firearm, acceptance has not been satisfied  
23 here. Now --

24 MS. DOLGOSHEEVA: Your Honor, my apologies. I thought  
25 we did admit that he pointed a gun and threatened the mother

1 and the daughter. Am I misunderstanding your Honor?

2 THE COURT: No, so --

3 MS. DOLGOSHEEVA: On the bottom of Page 19, the last  
4 sentence before paragraph subsection G, it says, "Mr. McGraw  
5 deeply regrets threatening ZJ and her mother during a heated  
6 argument and knows that he never had any intention of following  
7 through with his threats." Perhaps it doesn't say the firearm,  
8 but that was the intent behind that sentence.

9 THE COURT: Yeah, that doesn't -- there are instances  
10 in the memo in which the defendant says he still can't wrap his  
11 mind around the fact that he actually broke ZJ's jaw and that  
12 he deeply regrets that he did that and he engaged in violence,  
13 but there's no admission that he actually pointed the gun at  
14 them and said that, "Fuck you, bitches. I'll kill you ho's."

15 There's admissions in here about carrying a gun which  
16 obviously is the possession offense itself.

17 MS. DOLGOSHEEVA: And I might have not made it very  
18 clear, but that's what I intended in that sentence. There's no  
19 other threats that he made. So when I was referring to threat,  
20 I was specifically referring to the time period where he  
21 pointed a gun at ZJ and her mother.

22 THE COURT: Okay. And I can -- I'll hear more from  
23 Mr. McGraw in his allocution about whether he accepts  
24 responsibility for that. The problem is, and you can -- you  
25 addressed this in writing, but you can address this further

1 here, that typically when someone has been found to have  
2 engaged in obstruction of justice, then they do not receive  
3 acceptance of responsibility. There are exceptions to that,  
4 and I have in other cases found that, but that is the general  
5 rule.

6 So did you want to amplify on that? Because you did  
7 argue that in writing as well.

8 MS. DOLGOSHEEVA: Yes, your Honor. So the obstruction  
9 of justice was a single incident. That took place before he  
10 was even indicted on federal charges. He took full  
11 responsibility. He admitted that he possessed a firearm. He  
12 admitted that he hit ZJ twice, once before she got into the  
13 vehicle on that day and once in her house. And that's --  
14 completely correlates with what she told me over the phone in  
15 the interview, that she was hit twice that day. And he also  
16 admits to pointing a gun at them and threatening them.

17 And when I said in the memo that he never followed --  
18 intended to follow through with the threats, obviously he never  
19 intended to shoot them. But there was never any denial that he  
20 did not point the gun. So he fully took responsibility for his  
21 conduct, for all the relevant conduct. There's nothing related  
22 to this -- to relevant conduct in this case that he is denying.

23 And this was a single event, a single phone  
24 conversation that took place very early during federal  
25 investigation of the case. So I think given that -- given, as

1 your Honor said, you don't believe it was minor, it was a  
2 single phone conversation. And since then he has not tried  
3 even though he had plenty of opportunities because ZJ was  
4 picking up the phone, you know, picking up the phone when  
5 Mr. McGraw was calling her.

6 He had plenty of opportunities to try it again. He  
7 had plenty of opportunity to ask ZJ to tell the grand jury that  
8 he never possessed a gun, and she might have -- might have done  
9 it, but he never done that.

10 And I think he has taken full responsibility in this  
11 case. And this is one of those extraordinary circumstances  
12 where the obstruction is not particularly serious. It has not  
13 derailed the government's case in any way. They have not had  
14 to spend any extra resources on investigation and prosecution  
15 and anything related to this case. And he owned up to  
16 absolutely everything that he has done in this case related to  
17 aggravation, related to the actual conduct, and related to  
18 relevant conduct.

19 THE COURT: Okay. Thank you.

20 Mr. Arce, did you want to reply?

21 MR. ARCE: Yes, Judge. Several points. One, as the  
22 government noted in its sentencing memo, the first few pages of  
23 the defense's sentencing memo seeks to almost explain this  
24 violent conduct committed by the defendant against ZJ, bringing  
25 up prior fights between them, bringing up ZJ's brother being

1 part of a different gang than the defendant himself, all of  
2 this wind-up to then this violent act committed by the  
3 defendant. And even now, we hear sort of an explanation as to  
4 what happened here. I have it noted that "she was hit twice  
5 that day." No, ZJ was not hit twice that day. The defendant  
6 hit ZJ twice that day.

7 Going to the obstruction of justice, first of all,  
8 they did not admit to the obstruction of justice. We spent  
9 four or five minutes in today's hearing hashing out whether  
10 that enhancement should apply and your Honor finding that it  
11 should apply given the evidence that was proffered by the  
12 government.

13 This idea that the government didn't have to expend  
14 any resources, any additional resources because of this  
15 obstruction is of no moment here. That this happened before  
16 the indictment actually speaks to the intent of the  
17 obstruction, Judge. That is correct, the government had not  
18 yet indicted the case, and so that is the perfect opportunity  
19 for the defendant to try to obstruct justice to avoid a federal  
20 charge.

21 That his efforts were not successful does not mean  
22 that he did not try to obstruct justice but, Judge, I want to  
23 take a step back. Setting aside the obstruction, setting aside  
24 the relevant conduct, if the question is, does the defendant  
25 accept responsibility for having possessed the firearm on the

1 day in question, even that, he has tried to shovel blame onto  
2 other people.

3 As the government noted in its sentencing memo, the  
4 defendant blames Probation for not allowing him to move to  
5 Texas after his conspiracy to murder charge which she says,  
6 quote, unquote, forced him to live in this war zone.

7 So even just looking at solely the possession of the  
8 firearm, the defendant has not accepted his own responsibility,  
9 his own bad decision making in having possessed that firearm  
10 unlawfully. Starting at the very beginning of this case,  
11 there's a rejection of responsibility on top of the  
12 obstruction, on top of the relevant conduct, Judge.

13 MS. DOLGOSHEEVA: Your Honor, may I briefly respond?  
14 I mean, I -- it's very clear in our sentencing memo, and I'm  
15 not sure how the government misreads it, that we admit to the  
16 obstruction of justice as it related to the phone call. We  
17 don't argue against the obstruction. And in acceptance of  
18 responsibility, one of the points I make is that he has, you  
19 know, acknowledged obstruction of justice. So I don't know how  
20 much clearer I could have made it in my sentencing memo.

21 The second point about government's, the first several  
22 pages, the government's -- the government believed, and I don't  
23 think they ever asked the victims what has transpired either  
24 before or after it, so the government's theory was that he came  
25 to her house, hit her, and then stood by the front door to do

1 something evil again. That was not the case. He was waiting  
2 there for her to bring out the money that he kept at her house  
3 from his music and his personal belongings because she  
4 threatened to burn them.

5 He was not knocking on the door. He was not trying to  
6 break through the window. He was on the porch waiting for her  
7 to bring out his personal items because they got into a heated  
8 argument, he pointed a gun, and he did not want to continue  
9 this conflict.

10 So he was waiting outside for her to bring his  
11 personal items out, and I thought it would be important for the  
12 Court to know, not just the government's two-minute version of  
13 what they -- the victim told them but also all of the other  
14 things that were happening that day that they never asked the  
15 victim about.

16 In terms of him being forced back into the war zone, I  
17 have a number of clients who have moved out of state after  
18 having extensive criminal histories and specifically, moved out  
19 of state to live somewhere new, somewhere where they don't know  
20 anybody, where nobody knows them to have a fresh chapter in  
21 their life. And a lot of them are very successful in doing so,  
22 and that's what Mr. McGraw was trying to do.

23 So I don't think there is anything wrong with somebody  
24 trying to move to a different place to start a new chapter of  
25 their life where nobody knows them, where they don't know

1 anybody, and it certainly has helped many people in the past.

2 THE COURT: Okay. Thank you.

3 With regard to the argument that there's no acceptance  
4 because of the background information that the defense supplied  
5 as to the potential move to Texas, that does demand too much  
6 for acceptance for responsibility under 3E1.1. I read that  
7 more as like a but-for argument, that but for the fact that he  
8 did not move to Texas, he would not have caught this case. So  
9 I don't think it's something that 3E1.1 would be disqualified.

10 And then the kind of lead-up about the drink and the  
11 Lexus and all that, that was also, I think, just context and  
12 not something that 3E1.1 would require for acceptance of  
13 responsibility.

14 But the other part of the context is the context of  
15 the obstruction of justice. And here, it might very well have  
16 been, and it was, pre-federal indictment; but as the government  
17 correctly points out, that is when the government is  
18 investigating whether to bring the case at all.

19 And this label of a single instance, it is one  
20 instance. It's one exceptionally serious instance. To  
21 instruct one person to tell another person to lie to federal  
22 agents and then to supply the motive for that lie is enlisting  
23 two other individuals to commit a federal crime. And the  
24 obstruction need not be successful in order for it to qualify  
25 as obstruction or to qualify as serious obstruction. So there

1 is -- there is not acceptance of responsibility based on the  
2 obstruction of justice finding.

3                 This is acceptance of responsibility as a guidelines  
4 label. So, of course, the defense can argue under 3553 that  
5 based on the rehabilitative steps and anything else that  
6 Mr. McGraw is going to share or his lawyer is going to share  
7 with respect to acceptance of responsibility in the English  
8 word of -- sense of it rather than the guidelines' formal sense  
9 of it, I will certainly consider, and some of it's in the  
10 written brief but for guidelines purposes, he does not qualify.

11                 Okay. Now, we have to backtrack to the crime of  
12 violence issue to figure out the base offense level. And here,  
13 the question is, the attempted armed robbery, does that qualify  
14 under the guidelines as a crime of violence.

15                 And so on that point, is there any further argument  
16 that the government wants to offer other than what was in  
17 writing?

18                 MS. DOLGOSHEEVA: Your Honor, my apologies. Can  
19 Mr. McGraw use the washroom?

20                 THE COURT: Of course, he can, yes. Please let me  
21 know earlier if possible. So, yes, we'll adjourn for a moment.

22                 MS. DOLGOSHEEVA: Thank you.

23                 THE COURT: We'll take a ten-minute recess.

24                 (Recess from 2:12 p.m. to 2:20 p.m.)

25                 THE COURT: All right. Let's re-call it.

1                   THE CLERK: 23 CR 28, USA versus Jeff McGraw.

2                   THE COURT: Okay. Appearances again, please.

3                   MR. ARCE: Good afternoon, your Honor. Jimmy Arce on  
4 behalf of the United States.

5                   MS. DOLGOSHEEVA: Good afternoon, your Honor. Yelena  
6 Dolgosheeva on behalf of Mr. McGraw.

7                   THE COURT: Okay. And for the probation office.

8                   THE PROBATION OFFICER: Good afternoon. Raquel Butler  
9 with U.S. Probation.

10                  THE COURT: All right. We were before the recess  
11 going to discuss the crime of violence issue. So obviously,  
12 I've read your written filings, but if there's anything else  
13 you'd like to add, go ahead. For the government first.

14                  MR. ARCE: No, your Honor.

15                  THE COURT: And Ms. Dolgosheeva?

16                  MS. DOLGOSHEEVA: No, your Honor.

17                  THE COURT: Okay. So the issue is whether under the  
18 2021 manual which was in effect at the time of the offense and  
19 which if the defense is correct would be more favorable to the  
20 defendant and thus should be applied, whether or not the  
21 attempted armed robbery was a crime of violence given that at  
22 that time, the application note for attempts, conspiracies, and  
23 so on was, as I said, in the application note and not in the  
24 text of the guidelines.

25                  MS. DOLGOSHEEVA: Your Honor, if I may, your Honor is

1 referring to attempted armed robbery. We're talking about the  
2 conspiracy to commit murder.

3 THE COURT: I'm sorry. I had a similar sentencing  
4 this morning. It is conspiracy. The same issue, application  
5 note refers to attempts and conspiracies and inchoate offenses  
6 in the application note but not the text. Correct?

7 MS. DOLGOSHEEVA: Yes, Judge. Thank you.

8 THE COURT: All right. Thanks for the correction.

9 The defense cites *United States v. Chick* from the  
10 Northern District of Indiana. And that case held that the 2021  
11 manual, when the designation of conspiracies to commit crimes  
12 of violence was only in the application notes, that that means  
13 it is to be disregarded and conflicts with the text of the  
14 guideline itself, 4B1.2.

15 So as much as I think the *Chick* case undertook a very  
16 substantial and serious analysis, and I think to the extent the  
17 government wants to accept some advice from the Court, to call  
18 the argument nonsense is, it's overly aggressive especially  
19 since your brief did not discuss the *Chick* case. And the *Chick*  
20 case did cite -- did discuss all of the cases that the  
21 government did rely on. So I would in the future try to engage  
22 substantively with the defense argument on issues of law where  
23 there is a question here.

24 So I think the analysis works as follows. In the  
25 *United States v. Raupp* case, R-a-u-p-p, which was cited by the

1 government and also discussed by the *Chick* case, this is a  
2 Seventh Circuit case from 2012. And that case did directly  
3 hold that simply because the listing of inchoate offenses was  
4 in the application note did not mean that there was a conflict  
5 with the text of the definition of "crime of violence" in the  
6 guideline text itself because the definition in the guideline  
7 text did not say either way whether inchoate offenses,  
8 including conspiracies, were part of the definition.

9 Now, after that, there is a case called *Rollins* -- and  
10 again, the *Chick* case does discuss this -- from the Seventh  
11 Circuit from 2016. And the *Rollins* case did overrule the part  
12 of *Raupp*'s reasoning that specifically relied on the residual  
13 clause which that's the clause that thankfully no longer exists  
14 where we would ask whether or not there was a substantial risk  
15 of physical injury from a particular offense as a category  
16 somehow.

17 And so *Rollins* held that that part of *Raupp*'s  
18 reasoning which relied on the residual clause must be  
19 overruled, in part because the residual clause does not exist  
20 anymore. But what *Raupp* was not holding and did not need to  
21 address was how that residual clause analysis in -- applied at  
22 all in *Raupp* because *Raupp* was a listed robbery case. *Raupp*  
23 was not dealing with the residual clause.

24 I'm not even sure that *Rollins*' description of *Raupp*  
25 as having relied on the residual clause, I'm not sure that's

1 crystal clear that *Raupp* actually relied on the residual clause  
2 at all. It is -- it's mentioned, but the reasoning certainly  
3 does not require any residual clause analysis at all. It's  
4 just a textual issue. You look at the text, crime of violence  
5 definition in the guideline, and then you look at the  
6 application note which listed out conspiracies. There was no  
7 conflict in the text. That was really the primary basis of  
8 *Raupp*.

9           Then on top of that, and the government did cite in  
10 its brief the *Adams* case, *U.S. v. Adams*, Seventh Circuit case  
11 from 2019. Now, that was a controlled substance offense case,  
12 so it did not directly answer the question that is posed by the  
13 defense here, but that case did hold that *Raupp*'s analysis of  
14 the purely textual issue of whether the guideline text  
15 conflicted with the application note -- actually, the other way  
16 around, whether the application note conflicted with the  
17 guideline text, does that remain sound as to controlled  
18 substance offenses because it was controlled substance offenses  
19 that were at issue in *Adams*.

20           And *Adams* held that, yes, that still applies and  
21 there's -- you know, whatever mention there was in -- of the  
22 residual clause in *Raupp* did not prevent the *Adams* case from  
23 applying the *Raupp* analysis that there's no conflict in the  
24 text to controlled substance offenses.

25           So I do think the *Chick* case over-reads, with all due

1 respect, the importance of the residual clause in *Raupp* which  
2 again was a listed robbery case. The residual clause was not  
3 an issue there, and it's not at issue, you know, here, of  
4 course, because it's eliminated. And in any event, this is a  
5 listed case because it's conspiracy to commit murder.

6 The *Chick* case does set out what it believes is a  
7 distinction between controlled substance offenses and crimes of  
8 violence by saying controlled substance, that definition in the  
9 text uses the word "prohibits," like, state laws that prohibit  
10 what federal laws prohibit to paraphrase everything other  
11 than "prohibit," whereas the listed clause uses the verb "is."

12 But I must say, when I read *Adams*, *Adams* did not rely  
13 at all on this -- on the word "prohibits" in controlled  
14 substance offenses. It just said look -- and I think it did  
15 this sensibly. Look at the *Raupp* analysis. It was primarily  
16 about text, and the residual clause is not important to this  
17 analysis and so, therefore, it applies to controlled substance  
18 offenses. *Adams* does not rely on the word "prohibits" in  
19 contrast to the word "is." So I don't think that's actually a  
20 distinction between *Adams* and this case.

21 And again, the application note back as it existed in  
22 2021, it was instructing that conspiracies attempts and the  
23 other, the inchoate offenses, applies to the term "crime of  
24 violence." It did not try to -- the application note did not  
25 try to distinguish between the elements listing or the actual

1 list of offenses of enumerated offenses. So the key term that  
2 was being defined by *Adams* and the application note was the  
3 term itself, either controlled substance offense or crime of  
4 violence when it comes to our case. So, yeah, *Adams*, I think  
5 the reasoning of *Adams* applies to crimes of violence as well.

6 And then I'll just finally note that this is all in  
7 the context of sentencing guidelines. The sentencing  
8 guidelines, unlike other regulations, they don't govern primary  
9 behavior of the public. This is not like those administrative  
10 agency cases which I think has been driving some courts to say  
11 that authoritative text is crucial and that there must not be  
12 explanations and definitions and so on in commentary.

13 That makes sense when you have an administrative  
14 agency that's governing the primary behavior of the public.  
15 Like EPA, the Environmental Protection Agency says don't emit  
16 this much of a pollutant or so on, or OSHA regs saying that  
17 employers must have this or that safety equipment. And you can  
18 understand then if it's governing primary behavior that you  
19 want to have authoritative text.

20 These are sentencing guidelines. These are  
21 instructions to lawyers and the parties and judges on how to  
22 calculate sentencing guidelines. So I don't think it's all  
23 that surprising or problematic that there are definitions and  
24 examples and hypotheticals in application notes instead of the  
25 primary text.

1           Long way of saying, the conspiracy to commit murder  
2 does qualify as a crime of violence under the guidelines. So  
3 the guidelines calculation is as follows. Under 2K2.1, the  
4 base offense level is 22 because this was a -- the firearm was,  
5 because of the auto sear switch, a machine gun under 26 USC  
6 5845(a), and the defendant does have a prior crime of violence.  
7 Four levels are added because the possession was in connection  
8 with a felony offense. So that's 26. And then the obstruction  
9 of justice adds two levels, so that's 28. As I noted before,  
10 acceptance of responsibility does not apply, and so it remains  
11 at 28.

12           And then for the criminal history points, which I  
13 don't think there was a dispute over this, 2015 for the  
14 reckless discharge of a firearm, that was two years' probation,  
15 so that's one point; and then the 2019 conspiracy to commit  
16 murder resulted in a 14-year IDOC sentence, so that was three  
17 points. And that's a total of four points. That's criminal  
18 history category III. You put those together, and the advice  
19 of the sentencing guidelines is 97 to 121 months.

20           Okay. We'll move on then to 3553 factors, and we'll  
21 start with the government.

22           MR. ARCE: Yes, your Honor. First, I just want to  
23 note that your Honor's admonishment with respect to the  
24 sentencing memo is well taken, and the government will take on  
25 the arguments in good faith and apologizes for the flippant

1 nature of the response. So thank you for that.

2 Judge, I want to start the 3553 arguments by  
3 acknowledging that the request made by the government is an  
4 unusual one and not one taken lightly. The guidelines that  
5 apply to the defendant, Mr. McGraw here, are already high given  
6 the nature of the offense and given his criminal background.

7 In reviewing the materials in this case including the  
8 PSR, the evidence that was tendered including the grand jury  
9 transcripts attached to the defendant's sentencing memo,  
10 looking at the medical records, and in reviewing the  
11 defendant's sentencing memo, it's the government's view that a  
12 maximum sentence of 15 years is sufficient but not greater than  
13 necessary to account for all the factors as laid out in the  
14 government's sentencing memo. And I'll begin by discussing the  
15 serious nature of the offense.

16 I don't -- I won't belabor the point, Judge. It  
17 appears as though based on the back and forth that we've had so  
18 far that your Honor is fully aware of the seriousness of the  
19 offense. And even the defendant in his sentencing memo  
20 acknowledges the harm that was placed upon individual ZJ, but I  
21 do think it bears sort of noting in chronological order how we  
22 got to this point.

23 So the defendant is charged with unlawful possession  
24 of a firearm, but as the government noted in its sentencing  
25 memo, this is not a run-of-the-mill gun case. This is not a

1 situation where an individual was stopped on the street or  
2 pulled over while he was driving and happened to have a firearm  
3 on him. Instead, this is a situation where the defendant  
4 arrives at his then girlfriend's home, enters the home, and  
5 almost immediately upon entering strikes her, hitting her so  
6 hard that her jaw is fractured, she started bleeding from her  
7 mouth and her nose, and she's on the ground.

8 The victim's mother then comes out, sees what has  
9 happened, and instructs the defendant to leave the home. The  
10 defendant did not leave the home. Instead, he pulled out a  
11 firearm that had an auto sear switch, essentially a machine  
12 gun, pointed it at the victims and threatened to kill them.  
13 Now, thankfully the Calumet City Police Department arrived in  
14 time to ensure that no one else was harmed, although as the  
15 medical records note, the victim's jaw was broken, and it  
16 required reconstructive surgery.

17 Now, your Honor has already taken note that the  
18 defendant, after having been arrested for this offense, saw an  
19 opportunity to try to evade federal charges. Upon learning  
20 that grand jury subpoenas were served on his victim and the  
21 victim's mother, he had asked the victim to instruct the mom to  
22 lie to law enforcement assuming that the charge that would be  
23 coming down the pike against him was not just the possession of  
24 a firearm but the possession of a firearm with a Glock switch.  
25 In that moment, he understood how serious the conduct was.

1           And so in this district, Judge, a lot of times when  
2 we're in front of your Honor asking for a sentence to be  
3 imposed, we sometimes wax poetic about the dangers of gun  
4 violence, especially in this district, Judge; but for the  
5 defendant, the dangers of gun violence are not theoretical.  
6 They're real which leads me to the history and characteristics  
7 of this particular defendant.

8           As I noted in the sentencing memo, this is the rare  
9 occasion where the criminal history points assigned to the  
10 defendant actually don't tell the full story of the defendant's  
11 criminal conduct. The defendant is relatively young, I believe  
12 30 years old.

13           THE COURT: I think he turned 31 last November.

14           MR. ARCE: Turned 31. Thank you, Judge.

15           When the defendant was 21 years old back in 2015, he  
16 was arrested for a reckless discharge of a firearm case. And  
17 the facts laid out in the PSR, Paragraph 37, there were  
18 officers who were on patrol in the area where the defendant was  
19 located. They heard 10 to 15 loud bangs and responded to the  
20 location where the noise came from. They observed the  
21 defendant discharge a firearm multiple times from near the rear  
22 landing of an address. As the officers approached, the  
23 defendant fled. He went into a home and attempted to discard  
24 the firearm where children were present.

25           Despite having seen this, despite having recovered the

1 firearm, the defendant, in March of 2015, was sentenced to two  
2 years' probation. He essentially received a slap on the wrist  
3 despite having fired a gun in the middle of a neighborhood.

4 So he receives probation in March of 2015. Four  
5 months later, four months later -- sorry, Judge. Two months  
6 later, the defendant was arrested and charged with a conspiracy  
7 to commit murder where according to the PSR, Paragraph 38, the  
8 defendant, one of his confederates, one of his friends died as  
9 a result of a shootout in which the defendant was there,  
10 participated in the conspiracy to commit murder just two months  
11 after having fired a gun of his own. And for that offense, he  
12 received 14 years in prison.

13 So that was back, he was arrested in 2015, sentenced  
14 in 2019, and he was paroled in April of 2022; again, just  
15 months before inflicting violence upon the victim in this case  
16 and unlawfully possessing a firearm with a Glock switch.

17 The defendant also has a number of arrests, domestic  
18 battery offenses in his record; while he was locked up in the  
19 Illinois Department of Corrections had received nine  
20 disciplinary violations for fairly serious activity including  
21 gang and other unauthorized organization activity. Up to this  
22 point, Judge, the defendant has not shown the ability to abide  
23 by the laws and the rules that have been imposed upon him.

24 Now, I understand your Honor's point with respect to  
25 whether or not the statements about this but-for causation

1 apply to a Section 3(e) analysis with respect to the acceptance  
2 of responsibility. What I will say, Judge, is that the  
3 defendant arguing that had he been allowed to travel out of the  
4 state that he wouldn't have engaged in this conduct; that  
5 Probation, an arm of the court, there to help assimilate  
6 himself back into society in a law-abiding fashion that  
7 Probation forced him to live in this, quote, unquote, war zone  
8 being the reason or even a reason why he possessed a firearm  
9 with a Glock switch demonstrates that up until this point in  
10 his life, the defendant has not demonstrated that he has a  
11 respect for the law or that he has respect for others in his  
12 community. That just simply has not been demonstrated.

13 And so when the government looks at the previous  
14 sentences imposed and the government looks at the seriousness  
15 of this particular conduct, the conclusion that the government  
16 draws is that a sentence that's slight -- just slightly more  
17 serious than the most recent sentence that he received is the  
18 only sentence available here to ensure that he no longer  
19 engages in this dangerous conduct.

20 We've seen an escalation from one conviction to the  
21 next. Shooting a gun in public, runs away, thankfully no one  
22 is hurt. Released two months later, involved in a conspiracy  
23 to commit murder, is arrested, released; just a few months  
24 later batters a woman, breaks her jaw, and threatens to kill  
25 two people. Unless a serious sentence is imposed, the very

1 next step may very well cost someone their life, Judge.

2           And so the government is asking that the Court impose  
3 a sentence commensurate with the serious conduct in this case,  
4 commensurate with the defendant's history and characteristics,  
5 and commensurate with the need to deter not only this defendant  
6 but others in their shoes who may decide to walk down this path  
7 of increasing violence, your Honor. So the government is  
8 asking for a 15-year sentence for Mr. McGraw.

9           THE COURT: Thank you.

10          Ms. Dolgosheeva?

11          MS. DOLGOSHEEVA: Your Honor, we have a number of  
12 character witnesses. Would you like me to address 3553(a)  
13 factors first or call the character --

14          THE COURT: No, you can ask them to step up.

15          MS. DOLGOSHEEVA: Okay. Our first witness is  
16 Mr. Williams.

17          THE COURT: All right. Sir, can you come up to the  
18 microphone right there. Can you go ahead and say your name for  
19 the record.

20          MR. WILLIAMS: Brenton T. Williams II.

21          THE COURT: And can you spell your first name for us?

22          MR. WILLIAMS: B-r-e-n-t-o-n.

23          THE COURT: Thank you. Go ahead.

24          MR. WILLIAMS: I have my letter on my phone.

25          THE COURT: Yeah, sure. You can pull it up.

1           MR. WILLIAMS: He just told me to turn it off. Can I  
2 turn it back on?

3           THE COURT: You can turn it back on.

4           MR. WILLIAMS: All right.

5 (Pause.)

6           MR. WILLIAMS: Apologies for the delay, but I have it  
7 here. I'm just going to read straight from what I wrote. This  
8 is added on to what I submitted for another character witness.

9           Not only is Jeff my cousin but I also counsel him due  
10 to me being a priest. So just mentioning my character witness  
11 here is, I have the pleasure of knowing Jeff all my life, 27  
12 years as a cousin and seven as a priest. We call him Little  
13 Jeff because of, you know, his dad.

14           He's a multi-level talented individual, our family  
15 members, neighborhoods, friends, cousins, brothers, and so much  
16 more. When we were younger, everybody wanted to hang around  
17 him because he was just so much fun. If it was a Chicago Park  
18 District, we played football, and that's when I was able to see  
19 the zeal and compassion he had not only for himself but for  
20 others, for sports, music, DJ'ing. He did a lot of different  
21 things, and you can see the compassion all throughout. He had  
22 a lot of family members who liked him, a lot of friends as  
23 stated here.

24           I remember when Jeff, my aunt, and my mother would go  
25 out shopping, and we'd be stuck for hours waiting for them to

1 finish shopping. And we did essentially what any other group  
2 of boys would do: Laugh, play, have fun, and crack jokes until  
3 we went home.

4           Jeff really started to have a major impact on my life  
5 about 15 years ago when I was in high school. He was, I  
6 believe, four years, maybe four, give or take. I think I might  
7 have been eighth grade going to ninth grade. Don't quote me.  
8 Somewhere in that timeframe. He was always extremely positive,  
9 take life seriously, treat your mom good, treat your family  
10 good.

11           Whatever it was that we would talk about, he would  
12 always show me the impactful side of life. Of course, the  
13 biggest message he gave me was to stay in school, get a good  
14 education, learn about business, create better opportunities  
15 for your family and they won't ever forget the message that you  
16 gave back to them.

17           Let's see. I lost my train of thought.

18           And the one of the major reasons why I didn't go into  
19 business and to other fields, specifically political science,  
20 is because of what Jeff taught me is you can be anything you  
21 want to be to make the world a better place, a more vibrant  
22 place. And I took that serious, and I received my degree in  
23 political science, liberal arts at Prairie State College. I  
24 had a dual degree to go to Governors State, but I chose not to  
25 due to COVID.

1           And also with that political science degree, it  
2 allowed me to have a major impact in my community, specifically  
3 the Midway area by the airport, Bronzeville, Kenwood, North  
4 Lawndale on the west side. And I had the opportunity to work  
5 with Kim Foxx. That was a unique experience. I worked with  
6 some of her political figures in the Chicagoland area.

7           Like I said, mainly because of the -- not necessarily  
8 the specifics of going into business but more so you have the  
9 opportunity to impact major people, whatever it may be. So if  
10 you choose this, you can do that or if you choose this, you can  
11 do that.

12           Let's see. As I aged into adulthood, me and Jeff were  
13 able to gain an even closer relationship. Obviously, he was  
14 incarcerated at this time, so we were talking more frequently.  
15 I was able to or I believe I was able to gain a relationship  
16 that allowed me to step in more so less of the cousin but more  
17 so as a counselor due to me being a priest.

18           When Jeff was released from jail in 2022, I had the  
19 opportunity to continue to counsel and execute this counsel  
20 weekly. We spent a significant amount of time when he was out.  
21 Jeff would listen, and he would express what he would notice  
22 some of his weaknesses and how he could turn them into  
23 strengths. Thinking positively and using one of the heavy  
24 proverbs we usually use which is, "A soft answer turns away  
25 wrath and grievous words stir up anger." And we would execute

1 upon the seven pillars of wisdom, knowledge, understanding, all  
2 of these different things that would aid him in his time out  
3 and continuing on further.

4           While he was out, I did notice major improvements. I  
5 believe mainly because he really wanted to improve in all  
6 aspects of his life. Me being a counselor as a priest, I ran  
7 into many, many, many people, and I can usually tell, just in  
8 this instance, it's kind of short lived, only three months.  
9 However, in that three-month window, I was able to tell major  
10 improvements.

11           He was -- okay. Here it is. I was able to see it  
12 daily. One of the funnest weeks we had was when we went to Six  
13 Flags together. It was his first time going. He showed that  
14 zeal once again, the excitement, the fun aspect of him. He  
15 showed -- I don't know if you were able to read my letter, but  
16 it showed how he is always dedicated to that family. And, of  
17 course, and my letter goes into a lot more detail.

18           Let's see where I left off at. Essentially, what I'm  
19 getting at is Jeff is a delightful individual who since his  
20 release showed that around everybody, and everybody was able to  
21 see it, I believe personally. He focused on being a better  
22 individual daily, not being part of his past which is a staple  
23 point of a soft answer, turn away wrath but grievous words stir  
24 up anger.

25           Let's keep reading here. Oh, I forgot to mention

1 earlier, during the week we went to Six Flags, he was able to  
2 purchase a vehicle. He stayed positive. They said, "Oh, we  
3 can't approve you for the car."

4 I mean, at that specific moment -- not to belabor the  
5 point of beating a dead horse, he had the opportunity to, you  
6 know, react irrationally. I didn't see that side of him mainly  
7 because of the specific proverb. There's many, many proverbs,  
8 right, but we focused on one because if you can master on one  
9 proverb, you can continue to move forward. So we focused on  
10 that one proverb. That's why I keep returning back to it.

11 He was eventually able to purchase the vehicle after a  
12 long extended period of time. It was both me, my wife who is  
13 in the pew, the -- Mr. McGraw, Jeff McGraw, my cousin and then  
14 my aunt, Ms. Mary Malone. And it was a good experience because  
15 it showed to me his improvements. Usually you can get  
16 extremely agitated, annoyed when things don't go your way. I  
17 saw the poise, the calmness of it. And these are just small  
18 points highlighting some of the improvement that I saw  
19 personally.

20 Let's see here. I can go on for hours about the  
21 improvements he made, but I'll summarize it up in these three  
22 points. And real quick because I skipped a point, we talk  
23 about the things that happened in the past and how he focuses  
24 on making sure he doesn't do the same things over and over and  
25 over again, which is kind of oxymoronic, but we have talked

1 about it, and he has improved on.

2           And what I mean specifically is he's less reactionary  
3 and more proactive. He would think more. He would look in to  
4 see, how can I improve on this, how can I improve on that. Of  
5 course, that means not all of this is documented because he was  
6 incarcerated when we had these conversations, but just from the  
7 small conversations we did have, I was able to notice these  
8 things.

9           And we also talked about the seven pillars of wisdom  
10 which I believe aided him in being less reactionary and more  
11 proactive and thinking, you know, being a little more slow,  
12 slower, a little more poised, a little more calm. That's what  
13 I was able to notice in the time in which he was out, even in  
14 the time as he was incarcerated. And I believe now he's a lot  
15 more calm in his approach.

16           He -- like I said, he acts more instead of reacting  
17 and then -- let's see. Just to conclude, I believe that with  
18 the counsel that I have given him, some of the other brothers  
19 from our specific chapter in Atlanta, Georgia, communicating  
20 with him, associating with him, speaking about, you know, being  
21 more impactful in the area, opening up businesses to produce,  
22 specifically a studio session or a youth club for up-and-coming  
23 younger artists all over the world, different genres, whatever  
24 it may be.

25           We talked about many of these things. We didn't have

1 the opportunity to do the community service that we wanted to  
2 do in the city of Chicago, in Texas and California, and in  
3 Atlanta because he was incarcerated, but some of these things  
4 as a character witness is what I've noticed.

5 And like I said, to summarize it up in essentially two  
6 points, less reactionary, more proactive. On top of that, he  
7 was able to be more calm and more poised. And that's what I  
8 would say as far as Jeff.

9 Speaking more so as a priest first, that's my first  
10 duty, and then as a cousin, we were able to experience a lot of  
11 beautiful, good things when he was out. So that's what I  
12 believe and that's what I saw. I hope my message is well with  
13 you. And then that's all I have.

14 THE COURT: Okay. Thank you.

15 MR. WILLIAMS: All right.

16 MS. MARES: Good morning, your Honor.

17 THE COURT: Good afternoon. If you could just state  
18 your first and last name.

19 MS. MARES: My name is Estrellita Mares.

20 THE COURT: And can you spell your first name for us.

21 MS. MARES: E-s-t-r-e-l-l-i-t-a, last name is  
22 M-a-r-e-s.

23 THE COURT: Go ahead.

24 MS. MARES: Your Honor, I wrote a letter here in  
25 addition to my character letter.

1                   THE COURT: All right.

2                   MS. MARES: So can I read it?

3                   THE COURT: Go ahead.

4                   MS. MARES: Your Honor, I'd like to introduce myself,  
5 as I just did. I'm currently a juvenile probation office --  
6 I'm sorry, a child protection investigator for the past six  
7 years. Previously, I was a juvenile probation officer for the  
8 19th Judicial Circuit Court, and I served there for 12 years.

9                   Currently I do hold a master's degree in social work,  
10 and I've been working for families for 20 years. I'm connected  
11 to Jeff McGraw in that we are very close friends of the family  
12 and identify him as our nephew.

13                  We have known Jeff and his family since he was about  
14 18 years old. When I first came into contact with Jeff, I  
15 could sense that he had some issues that needed to be  
16 addressed. I was brought closer to Jeff. I stayed in touch  
17 considering I love to help adolescents, teenagers, and young  
18 adults stay out of the legal system.

19                  However, shortly after meeting him, we all experienced  
20 the death of my son's half-brother who I consider to be my  
21 stepson, Joseph Coleman. Unfortunately, shortly after Joseph's  
22 murder, Jeff again endured the loss of many other of his close  
23 friends in the music industry. Your Honor, I'd like to let you  
24 know that Jeff did grow up in a neglected home environment and  
25 that he was not provided with some of the child's basic needs

1 such as food, clothing, stable housing, or a safety net.

2       Since these basic needs were lacking in Jeff's  
3 upbringing, he may have not developed the skills or sense of  
4 belonging all the children should have. Instead, he developed  
5 high-risk behaviors such as delinquency, substance abuse,  
6 antisocial behaviors including aggression.

7       Jeff grew up in a domestic violence home where his  
8 stepfathers were abusive to his mother. Jeff witnessed his  
9 mother being emotionally and physically abused. I remember  
10 when Jeff told me that on one occasion he tried to help his  
11 mother from being battered, instead he believed she turned on  
12 him. He was so confused and hurt from this, and he left home.

13       One can only imagine that mindset of a youth when the  
14 one person that you think can trust turns their back on you.  
15 Your Honor, you will read that Jeff's mother was also  
16 physically aggressive towards him. As I mentioned earlier, she  
17 herself was a victim of domestic violence. During the circle  
18 of violence, Jeff would often run away from the home to escape  
19 the violence as early as 13.

20       Jeff growing up in a physical and emotional abuse, we  
21 as professionals know that children could develop fear and lack  
22 of respect for others in this type of environment. Your Honor,  
23 it's clear that Jeff did not have the range of education, of  
24 understanding that his stepfather's aggressive behavior towards  
25 his mother and his mother's aggression towards him was going to

1 affect him later in life.

2           I was surprised as a child protective specialist in  
3 DCFS that DCFS was not called to report these underlying  
4 conditions that were occurring in Jeff's home. This could have  
5 an intervention for him as a young child and for his mother  
6 should they have been provided the services to address the  
7 issue at hand. Instead, Jeff became a perpetrator. As a  
8 result, young Jeff himself started to mimic what he experienced  
9 and observed at home and started to develop the traits of  
10 becoming a perpetrator just like his parents.

11           It is obvious Jeff developed anger issues just like he  
12 experienced in what was supposed to be a safety net. The  
13 people that were supposed to keep him safe and meet his needs  
14 and provide a stable environment didn't. He started developing  
15 mistrust, which leads me to speak on how Jeff could have  
16 started to jeopardize his relationships by mistreating his  
17 ex-girlfriend and exhibiting aggression during the incident  
18 that the Court is addressing today.

19           Jeff never experienced or witnessed the proper example  
20 of working a healthy relationship -- or healthy relationships.  
21 Due to Jeff's lack of personal development, it hindered his  
22 ability to learn how to properly handle an argument and avoid  
23 aggression and manage stress in a non-violent way.

24           We as professionals know that communication is key,  
25 and simply walking away to get air and address the issue later

1 would be the proper way to handle a situation, but Jeff was  
2 never given those tools in his upbringing. As a result, he did  
3 not learn how to respect and properly treat a lady. Jeff was a  
4 victim of his own environment.

5 Furthermore, your Honor, I'd like to provide the Court  
6 factors in my professional experience and observation that  
7 possibly led Jeff to exhibit but not to justify his aggressive  
8 behavior. As expected, Jeff got in trouble with the law at  
9 such a young age.

10 I'd like to take a moment to remind the Court that  
11 when an adolescent is sentenced as a result of his behavior  
12 that leads him to the judicial court system, the court usually  
13 orders the minor to complete some type of counseling or  
14 education services. Jeff was never ordered any services.  
15 Instead, he was ordered jail time.

16 As well as we all know, one that was raised with  
17 underlying conditions have a higher chance of recidivism as is  
18 extremely high. Therefore, again we can say that Jeff was  
19 never provided the education or knowledge which could have  
20 prevented him from the circumstances he is in today.

21 Honorable Judge Chang, Jeffrey, Jeff, resided in a  
22 high-crime neighborhood where there was heavy drug and gang  
23 activity. Jeff again became a victim of this, the community  
24 where he was shot multiple times. Jeff will develop anger.

25 Moving forward, your Honor, when Jeff was released in

1 April 2022, we were all inseparable. Jeff was eager to  
2 surprise his mother with a birthday party in which we helped  
3 facilitate. Jeff wanted to make sure her decorations were the  
4 best and the location of the venue was safe and which they were  
5 because, your Honor, I also have a passion for decorating, and  
6 I definitely made sure that it was what he envisioned.

7 We invited Jeff to our first home in Buffalo Grove,  
8 and when and his daughter arrived, we were watching a movie  
9 where a couple was arguing. And Jeff instantly covered his  
10 daughter's ears and tried to cover her eyes to stop her from  
11 being exposed to what's to be considered an act of violence.

12 On another occasion, your Honor, we invited Jeff and  
13 his ex-girlfriend to my cousin's wedding. We all enjoyed  
14 other's -- each other's company. And he made a mention that  
15 this was the first wedding that he ever attended.

16 And lastly, your Honor, engaging in these family  
17 outings demonstrated Jeff's desire of family connectiveness,  
18 loving, those who loving, love him, being the best father he  
19 can be. And all these factors and his support system in which  
20 he did not have growing up and started to develop when he was a  
21 young adult. Your Honor, Jeff has thousands of followers in  
22 that he can reach in a large fan base and encourage the younger  
23 population to exhibit positive behaviors, follow rules, and be  
24 a productive citizen.

25 Your Honor, please remember that the legal system

1 failed Jeff and his family. The Department of Children and  
2 Family Services were never called. And when he was sentenced  
3 to time as a juvenile probation, as juvenile detention center,  
4 he was never ordered services. As a result, there was no  
5 opportunity for education to reduce recidivism or  
6 rehabilitation and which hindered Jeff's chances to be a  
7 positive citizen.

8           Lastly, your Honor, I strongly ask that your Honor  
9 consider that our nephew Jeff is sentenced to the least amount of time  
10 considering all the underlying conditions and other factors  
11 including mental and physical abuse, childhood trauma, sexual  
12 abuse, grief and loss, substance abuse, child victim of  
13 domestic violence that Jeff suffered and which as a child and  
14 adolescent should never have experienced.

15           Your Honor, I have some pictures here to show that  
16 Jeff was trying to make a change of the wedding that I  
17 mentioned. This is the picture that the cousin talked about  
18 where they went to Great America. He has his daughter right  
19 beside him.

20           This is one of the pictures of a picnic that we  
21 invited him. And this is us again. This is a picture of us.  
22 He was grateful when we threw his mother the birthday party,  
23 and this is the birthday party.

24           Thank you for your time, your Honor.

25           THE COURT: Thank you.

1                Anyone else, Ms. Dolgosheeva?

2                MS. DOLGOSHEEVA: Yes, your Honor, a couple more  
3 witnesses.

4                MR. CLEVELAND: Good afternoon.

5                THE COURT: Good afternoon. Please state your first  
6 and last name.

7                MR. CLEVELAND: My name is Albert Cleveland, your  
8 Honor.

9                THE COURT: All right. Go ahead.

10              MR. CLEVELAND: I know Jeff McGraw from being a close  
11 friend of the family. I met him in, like, 2022, 2022 when he  
12 was released. And as I'm sitting here listening, I did prepare  
13 a statement but I won't be long, probably like two or three  
14 minutes because I feel like that everything that's been said  
15 don't tell the whole picture, if you will, because you have the  
16 man over here. He's describing an event that is factually -- a  
17 lot of it factually you can't really challenge it because the  
18 record speaks for itself, but it's a picture that I think that  
19 the Court really needs to look at.

20              My sister expounded on the fact that Jeff never really  
21 got help from juvenile on up. I experienced the same thing.  
22 I, like Jeff, was incarcerated at an early age. I spent 21  
23 years in prison of my life for something that I did not do. It  
24 took me 21 years of fighting, being indigent and poor before a  
25 law firm got in contact with me, and they helped me get my

1 conviction overturned.

2           And one thing I can say with my own experience is that  
3 everyone is different. Jeff's situation is, once again as  
4 Estrella Marie's comment that he never really got counseling.  
5 And what I'm saying is this. Since I met Jeff, Jeff has been,  
6 number one he's been, I'll call him my nephew. He's been my  
7 boss because in his profession, he's got a nice name for him,  
8 and he was able to establish himself pretty early on with  
9 lucrative contracts, and he paid me well.

10           But he's been a godfather to my son who was at the  
11 age, like, one years old. And most people when they employ  
12 you, they don't want you to bring your kid along with you  
13 because I was, like, working as his assistant, but Jeff allowed  
14 me to be myself and be a father to my kid where he fostered  
15 that.

16           He said, "Okay, I know that your child's mother can't  
17 get your kid. Okay, you can still come to work."

18           So this is the Jeff that I know. I know Jeff that,  
19 from day one he wanted to make a change for his family and for  
20 his kids. He came out being the best father that any daughter  
21 could ask for for a father. I was there when he took her to  
22 Chuck E. Cheese, all of these different outings. So he's a  
23 great father.

24           He's a great son. I know him as being a son. The  
25 minute that Jeff got the chance to get on his feet, he wanted

1 to move his mother away. And he got a safe place in Texas, I  
2 don't want to give out the location, where he moved his mother.  
3 He tried to follow her because he wanted to get away from  
4 the -- as you guys call it, the shooting streets. I don't know  
5 if I used the right terminology. I don't want to  
6 mischaracterize your statement. But it's those things that  
7 Jeff has to deal with on a daily basis.

8 So Jeff tried to do the right things. Oftentimes, no  
9 fault of anyone, when we do the right thing, sometimes we don't  
10 get the best results. And so what I saw is that with me being  
11 working for Jeff, we would go out to outings. And you got  
12 people that are jealous of this man. They're heckling.  
13 They're trying to cause aggression.

14 Each time I was there, Jeff remained calm, and he got  
15 us out of there safe. And his mother hired me to make sure  
16 that her son got home to her. And more than anything when I  
17 think about the last two years, I feel like -- and I'm sorry,  
18 Jeff. I feel like I let him down because if I had been there  
19 during all the chaos, I would have been able -- Jeff would  
20 listen to me.

21 Like she said, sometimes it just takes somebody to do  
22 an intervention, like, wait a minute, you're not thinking,  
23 you're probably -- you used a couple of alcoholic beverages, if  
24 you will. And that's another thing, and I'm going to end on  
25 this. I'm going to say that from what I've seen, the story

1 that ain't been told is that Jeff hasn't had -- he hasn't had  
2 an opportunity to get treatment for his drinking that  
3 obviously, I'm sure that drinking was involved.

4           And I would say that more than the Court focusing  
5 on -- and I understand that it's a job. It's incumbent upon  
6 you to deliver a just order for the prosecution, if you will,  
7 for the State if they have proven their court -- their case,  
8 but what I'm asking you is whether to focus so much on the  
9 point system or the time, the 120 months or whatever it is that  
10 you choose, can we focus a little bit on getting him some help.

11           Jeff needs help. What everybody said, once Jeff has  
12 got help, he's gotten better. You know, every flower that ever  
13 bloomed had to go through some dirt to get there. With that,  
14 I'll rest.

15           THE COURT: All right. Thank you, Mr. Cleveland.

16           Good afternoon.

17           MS. MALONE: Good afternoon.

18           THE COURT: Can you state your name for the record.

19           MS. MALONE: Mary Malone. I'm Jeff's mom. I'm going  
20 to start with me because that's -- it started with me. I grew  
21 up in a household with 13 kids. My father was a heroin addict,  
22 beat my mother on a regular. We would always taught to never  
23 tell anything. Everything stayed in the house.

24           So as I had kids, I didn't know certain things. I  
25 didn't know that you're supposed to get help. You're supposed

1 to talk to people about stuff. The stuff that I endured as a  
2 kid, unfortunately, I did to my son: Mistreating him, calling  
3 him names. I thought I did the best I could. I just only did  
4 what I knew how to do.

5 So but Jeff is, he was a -- we actually planned Jeff.  
6 Me and his dad, we planned him. We wanted him. We planned  
7 him. Unfortunately, he didn't stick around. Jeff didn't have  
8 him in his life long. The first day I remember that I should  
9 have got him help was, my brother used to keep my kids and I  
10 would -- while I work. I came home one day, and it was a lot  
11 of police. And I just took off running because I felt  
12 something was wrong.

13 And I got to the door, and the first thing I asked  
14 them, like, where is my brother. The look that was on his  
15 face, fear. He was terrified. And he said, "Mama, he back  
16 there in the alley." I'm thinking, not thinking he's dead in  
17 the alley. I'm thinking he's in the alley, you know, seeing  
18 what's going on. That's the first thing I should have got him  
19 help with. I didn't because I didn't know I was supposed to.  
20 And he was, like, four or five then.

21 The next incident happened to him that I can remember,  
22 one of his friends' mother molested him at the age of 12 or 13.  
23 I didn't know about it because he used to stay with his dad and  
24 me sometimes. He told me when he was 18. And that's another  
25 thing I should have got him help for.

1           Excuse me. Jeff was shot. He went to shoot a video.  
2 He was shot ten times. I was just -- we were just coming back  
3 from dropping my niece off to college in Mississippi. He got  
4 shot ten times. So I rushed to the hospital. They wouldn't  
5 let me see him. The chaplain came to me, and I just freaked  
6 out because when the chaplain comes, that means it's something  
7 really bad.

8           So but when I go back there to see him, he was -- the  
9 sheet was filled with blood. I thought I lost him. But when I  
10 got close to him, I kissed him, and he opened his eyes and he  
11 looked at me and he said, "Mama." I was just so happy because  
12 he was alive.

13           Not even a year later after that -- I think he was,  
14 like, probably 18, 17, 18 when that first happened. Not even a  
15 year later, he -- some guy called, wanted to do a video again,  
16 and he was skeptical. He went to shoot the video. He might  
17 have been gone 15 minutes, called me, "Ma, he shot me."

18           I get to the hospital. So they didn't -- I couldn't  
19 see him. That's the one that really, really messed him up  
20 really bad. He still have problems to this day with that. And  
21 I saw the girlfriend he was with at the time and she was, like,  
22 "Mama, he jumped on top of me to save me from getting shot and  
23 took all the bullets in the back." And one of the bullets that  
24 pierced his bladder hit her in the leg, and she lost her baby  
25 soon after. Should have got him help for that. I didn't.

1           My husband, very abusive in the house, abusive to me,  
2 abusive to my son. I never said anything to anyone. I just  
3 kept it to myself because you're supposed to keep everything  
4 in-house, I was taught. I should have got him help for that,  
5 but I didn't get help for myself. You know, I didn't know you  
6 supposed to get help. I mean, I know now, but I didn't know  
7 you supposed to get help for certain things.

8           And I just think if I knew to get help, I could have  
9 gotten my son some help. He could have been -- you know, he  
10 could be different, you know. He is a really sweet, good  
11 person. He helps everybody. But I think if I had got him the  
12 mental help that he needed, things could have turned out  
13 differently.

14           He went to jail. Three months after he went to jail,  
15 my other brother was murdered. He never got a chance to grieve  
16 that because he was in jail. He just -- he just went through  
17 so many traumas. I hate that he went through traumas like  
18 that. I was abusive towards him because I didn't know how to  
19 handle things. I was being abused, and I turned it on him, you  
20 know. He was just a kid. He didn't deserve it.

21           You didn't deserve it.

22           But I know better now. I know better now. I know, I  
23 talk to counseling now about my grief. And actually, he's the  
24 one who helped me talk to someone because he said, "Mama, I've  
25 been going, doing these classes, and they really help."

1           So I started talking to someone, and a lot of old  
2 memories and stuff started coming up and things. You know, I  
3 thought I was doing right by him, but I didn't always do right  
4 by my son. I was just being the best mother that I can.

5           So I just ask if you could please show some leniency.  
6 Help me help my son get the help that he really needs because  
7 jail hasn't helped him. Jail, it's not a reform,  
8 rehabilitation. You just sitting there doing time. They don't  
9 have the services to help him that he deserves, that he really  
10 needs. And so I'm just asking if you could please show some  
11 leniency, help me help my son, please. That's it.

12           THE COURT: Thank you.

13           Good afternoon.

14           MS. WEEKLY: Hi, your Honor. Good afternoon.

15           THE COURT: Can you state your first and last name.

16           MS. WEEKLY: My first name is Lasheena Weekly,  
17 L-a-s-h-e-e-n-a, W-e-e-k-l-y.

18           THE COURT: All right. Thank you.

19           MS. WEEKLY: I'm here just to speak on the character  
20 of Jeff. I must have -- I met Jeff probably at a time in his  
21 life where he was going through the things he were going  
22 through. Ever since I've known him -- first of all, I got to  
23 know him because he was in the same rap group as my son Carlton  
24 Weekly who was known by his rap and industry name, is FBG Duck.

25           I've seen these babies. Well, my house was considered

1 a safe haven for these babies because me not knowing the  
2 circumstances that they were facing in the streets. When I  
3 lost my son August 4th, 2020, Jeff was incarcerated at the  
4 time. They had talked before he gotten out. They were  
5 speaking about changing things, pushing peace. And  
6 unfortunately, my son was assassinated in front of -- on Oak  
7 Street.

8 It kind of messed him up to the point where he  
9 promised me that he would never leave, he would take the place  
10 of my son. He used to come -- the last incident, the last time  
11 that Jeff was around me was actually probably two days before  
12 he was arrested, but before then, July 17, 2022, I threw a  
13 barbecue at my home for the remembrance of another son that I  
14 lost to street life, to the streets.

15 He appeared there. He came there -- not once since he  
16 was out. He would come visit. I stayed in Calumet City at the  
17 time. He would come and visit me at least three times a week  
18 because after losing three of my children -- out of losing  
19 three of my ten children, him and Carlton being more like  
20 brothers, they were working on so much things while he was  
21 incarcerated. They were talking about what they're going to do  
22 with the music. He also had a very big fan base as far as his  
23 music. And that's what him and my son was working on, but  
24 unfortunately my son was un-alive.

25 Jeff came to the barbecue. I invited him to come over

1 with his -- with his girlfriend at the time who the prosecutor  
2 was speaking on. They came. He was also with his daughter.  
3 And we just celebrated the life of my son. He was so happy.  
4 He made sure I didn't want for anything.

5           And I'm asking you, Judge, like his mom just said, a  
6 lot of times, you know, we're not perfect. We can only do the  
7 best we can with what we have. And consider -- like, I'm not  
8 trying to, like, justify that he admit what he did, but  
9 considering that he does have a loving family, a daughter, kids  
10 to raise. And I think, I'm asking that you show a little  
11 leniency because of the circumstances that he had went through  
12 and overcame.

13           Like his mom said, I don't think a longer -- jail  
14 would be the answer. Like, resources, because a lot of these  
15 babies that I've experienced have been around me suffer from  
16 childhood trauma and PDSD and just, it's a lot going on. So  
17 they tends to run to other places to try to find that peace.  
18 And I am one of those persons who Jeff came to for peace, to  
19 rest, to just, you know, feel like that he just wanted the love  
20 of a home life.

21           So I just ask that you, you know, have a little  
22 leniency. And I don't think giving him the maximum would fix  
23 anything. I think some services and programs would help.

24           THE COURT: Thank you.

25           MS. WEEKLY: Thank you.

1                   THE COURT: Okay. And I do want to emphasize,  
2 Ms. Dolgosheeva, that I have read the letters.

3                   MS. DOLGOSHEEVA: Your Honor, if we could just have  
4 one more witness.

5                   THE COURT: Yes, that's totally fine. I just want to  
6 amplify that because it does also seem like -- for example, you  
7 know, I read about Mr. Weekly, and it must be very painful to  
8 go through it again. So I just want them to rest assure that I  
9 have read all the letters and all the...

10                  MS. DOLGOSHEEVA: And, of course, we really appreciate  
11 your Honor taking the time to listen to so many people.

12                  THE COURT: All right. Yes, sir.

13                  MR. H. McGRAW: How are you doing today. My name is  
14 Harry McGraw, Harry J. McGraw III. It was very interesting  
15 listening to everybody talk today. I haven't seen Jeff in a  
16 very long time. And the one thing I will mention is, I am the  
17 only person on his father's side is actually present today.

18                  The reason why I got introduced to him because his  
19 father actually called me. I got -- I got with Jeff around  
20 when he was 18, 19 years old right after the shootings. And  
21 his father seen all the positive things I was doing. I own a  
22 production company. By the way, I'm only 35. I'm a college  
23 graduate. My father handed me down a not-for-profit called the  
24 McGraw Foundation which was created from the tragedy, the E2  
25 tragedy in Chicago. My father started that for the family, and

1 it been going ever since, and he passed it down to me.

2           So his father seen all the positive things I was doing  
3 in my life and he was, like, "Hey, I need you to see your  
4 cousin Jeff." At the time, like, I known Jeff, but I'm really  
5 not involved in his life. I'm doing my own thing. And he sat  
6 down and showed me all the potential and all the things that he  
7 was actually doing, but at the time he didn't really have a  
8 relationship with Jeff.

9           So what he was saying, "Hey, did you get with your  
10 cousin" because my dad and his dad used to do music back in the  
11 day. So what I did was I reached out. It took a couple days  
12 but eventually, you know, he knew who I was.

13           And one thing that resonated with me is Jeff do have  
14 trauma. You know, I was an individual myself. I was abused as  
15 well because I had a stepfather in my life. I tried to kill  
16 myself at the age of nine years old, but the difference between  
17 me and Jeff is I actually had help. I actually went and got  
18 counseling. I actually went and got therapy for the  
19 psychological abuse of not having a father around, having an  
20 abusive stepfather and actually tried to commit suicide.

21           Now, I'm also Jeff's manager. One thing that I don't  
22 think no one here in the court has recognized, Jeff has been  
23 out of jail for -- I mean, in 2022 he was released less than 90  
24 days and got re-incarcerated. But one thing that's very bright  
25 in this situation is in less than 90 days -- me myself, I'm not

1 a gang member. I have a clean record. I'm a productive member  
2 of society. In less than 90 days, Jeff created a corporation  
3 to pay taxes, to -- he was inspired for the American dream,  
4 having a story.

5           When he was incarcerated, a lot of individuals die. A  
6 lot of individuals made the news. He wanted to monetize his  
7 past, so he started a corporation. In less than 90 days, he  
8 started his corporation. In less than 90 days, his corporation  
9 was funded by a high label in less than 90 days. In less than  
10 90 days, he made a considerable cash donation to help military  
11 veterans.

12           Me myself with the McGraw Foundation, my dad's a  
13 veteran. My grandfather is a veteran. His grandfather is a  
14 veteran. One thing that was missing in Jeff's life is the  
15 presence of a man. So when Jeff was out, one thing that I  
16 was -- because I was with him every day. I was with him the  
17 night before. I actually took him home.

18           Now, one thing that was essential for me is to make  
19 sure he has a presence of mature men. I'm a firm believer of  
20 birds together, flock together. Show me your friend, show me  
21 your future. I'm a firm believer of that. So I took it upon  
22 myself, someone with no record, someone that is not involved in  
23 gangs, to mentor and to be his guide through his mission of  
24 being incarcerated for eight years. The majority of his adult  
25 life, me knowing that his father introduced him to me, me

1 knowing that I had help, he didn't have help.

2 See, I understood, you know what, he can do much  
3 better, he can do much better than this. Jeff come from a long  
4 bloodline of productive members of society, but it's  
5 unfortunate that I'm the only one on his last name side, the  
6 McGraw side. I'm literally the only one here. Now it's  
7 unfortunate that I'm here, but it's fortunate that I'm the most  
8 vital one. I'm the one that was there. I'm the one that's  
9 productive. I'm the one that's vouching for him.

10 Now, all things considered, I appreciate Jeff  
11 accepting responsibility, not wasting no more of the time, the  
12 resources, and moving along with his process and try to get  
13 things resolved and try to leave things in the past. I really  
14 appreciate that. And one thing that I would like, Judge, if  
15 you take mercy, definitely consider some of the things that I  
16 say.

17 He's also a father as well. I have a daughter as  
18 well. My daughter is 15 years old, a straight-A student. And  
19 I know the impact that it has when your daughter is not --  
20 fathers are not in daughter's lives. Right now we just sat  
21 here and heard generations of trauma. We sat here and heard  
22 the mother admitting, "You know what, I wasn't the best  
23 mother." Her dad wasn't there.

24 The last thing we need is more children without their  
25 fathers. And me standing here as a father, as somebody that

1 has credentials, as someone that took it upon myself to engage  
2 with an individual that most people would not like to, like,  
3 oh, no, he has all this stuff going on. I believe in my  
4 people. I believe in God. I don't allow other things around  
5 to convey what the goodness I can bring to people.

6 So as some might say, just to recant everything, in 90  
7 days Jeff has created a corporation preparing himself for the  
8 future, preparing himself to be involved and to be a productive  
9 citizen of society. He had made a cash donation to help  
10 military care packages which I'm involved in to this day, and  
11 he also -- yes, he also just wants to change, man. He needs  
12 help. I can honestly say that. He does need help.

13 So that's the last thing I want to say. Thank you so  
14 much.

15 THE COURT: Thank you.

16 All right. Ms. Dolgosheeva, anyone else?

17 MS. DOLGOSHEEVA: Your Honor, briefly, you read the  
18 sentencing memo. He had an incredibly difficult life. His  
19 home life was just horrendous. He was physically abused. He  
20 was verbally abused. And I think if he lived possibly in a  
21 different environment, if it wasn't going from generation to  
22 generation where it's normal, you know, to abuse your children,  
23 maybe he would have a chance at a normal life.

24 He's a talented musician. He's able to make a living.  
25 He doesn't have to sell drugs. He doesn't have to do anything.

1 He can perfectly well support himself and his family. And he  
2 has been supporting himself through his music. He has been  
3 supporting his mom. He has been supporting his daughter and  
4 his stepson, the young -- who is about to graduate from the  
5 eighth grade.

6 But I think because of all, every -- he didn't get any  
7 support growing up. And I know he's an adult man now, but I  
8 think it's the childhood and adolescent years when really  
9 you're shaped as a human being. So if you don't get any  
10 support that you need, your chances of succeeding and leading a  
11 very successful life are pretty slim to none and unfortunately,  
12 that's what has happened to him.

13 And the government talks about him carrying a gun.  
14 Yes, he did, but if anybody got shot 16 times -- and every day  
15 he is taking a bunch of pills, and he will be for the remainder  
16 of his life because he got shot so many times. And I just want  
17 to note that at the time, each time that he got shot, he wasn't  
18 doing anything bad. He was going to shoot a video for one of  
19 his -- for one of the songs he wrote.

20 And each -- the two times, the last two times he got  
21 shot, he had numerous surgery. He had extensive  
22 hospitalization. He will continue taking pain medication for  
23 the rest of his life which controls a certain degree of pain  
24 but not fully.

25 And none of those times he had a gun. And anybody who

1 got shot probably even once in his back, you know, in the old  
2 neighborhood because at that point, he is not able to  
3 financially move out, probably would want to carry a gun to  
4 protect your life. I mean, it's a basic human instinct. You  
5 want to stay alive. Nobody wants to die. Nobody wants to get  
6 shot and killed.

7           And I had recently a number of people that was charged  
8 with felon in possession, and over and over I hear the same  
9 thing, what are my choices? My choice is to carry a gun and be  
10 able to protect myself, me -- at least it gives you a chance to  
11 protect yourself -- or not carry a gun, not risk going to jail,  
12 and to die. Somebody shoots at you, what are you going to do?  
13 There's nothing you can do. You can try to run, but it's  
14 really hard to outrun the bullets.

15           And he was -- I just want to kind of highlight that he  
16 was even attacked when he was in Kankakee Jail. As soon as he  
17 got transferred into federal custody, he went into Jerome Combs  
18 Detention Center in Kankakee. He developed pneumonia, was  
19 taken to a hospital. As soon as he came back from the  
20 hospital, he went to take a shower, and he was attacked for --  
21 by another inmate.

22           He was very weak at that time. He had just returned  
23 from the hospital. And he had to jump from a top tier. He  
24 fractured his leg. He had to have disks inserted. And the  
25 doctor said at some point he would have to have a knee

1 replacement. Now, this happened in federal custody.

2 He has serious mental health issues. And I think  
3 anybody who went -- who had a life the way he did being shot,  
4 being abused sexually, physically, verbally would have mental  
5 health issues. It's not surprising. It's very unfortunate,  
6 but it's not surprising.

7 And I think the biggest problem is that he has  
8 untreated posttraumatic stress disorder. And I know in a  
9 number of cases I had, one, I think it was a drug trafficking  
10 case, another case where somebody just came back from maybe  
11 Afghanistan, and the person knew he had PTSD. He developed it  
12 while in the Army.

13 And all those cases involved the same thing. They all  
14 involved domestic abuse. And I think if we can get help that  
15 he needs, counseling that he needs and effective mental health  
16 treatment, he will be fine and people around him would be fine.  
17 But the longer he's incarcerated, I think the more his mental  
18 health will deteriorate.

19 He has been in custody in state case. He's been in  
20 custody in federal case. He never got treatment for PTSD even  
21 though it's all over his medical record that he suffers from  
22 posttraumatic stress disorder. It's just getting completely  
23 ignored, first by State, now by feds. And I think somebody who  
24 is -- well, first, obviously he got injured while in federal  
25 custody. He's just going to get worse and worse and worse the

1 more time he spends.

2           So if we care, as the government claims, about the  
3 public safety, the sooner he comes out, the sooner he starts  
4 supervised release, the sooner he can get better because he  
5 will get the help that he needs while he's on supervised  
6 release and not while he's incarcerated.

7           Obviously, your Honor, you see he has a lot of family  
8 members and friends who support him, and I think that speaks  
9 volumes. And they also, it was very difficult for them to come  
10 out here to speak to your Honor and to talk about things that  
11 most people, they are sacred to them and very painful, most  
12 people would not want to talk about.

13          And another just final thing I want to point out, he  
14 was not in the community for a long time, but before he got  
15 incarcerated on conspiracy to murder case and after, he was  
16 very involved in the community. He was participating in  
17 children's events. He was handing out school supplies. He was  
18 going to Salvation Army to participate in events. He was  
19 donating money for military support. He was donating money for  
20 poor, and he was knitting clothing for poor. He was  
21 volunteering at the shelters. He was mentoring youth.

22          Maybe he's not the best example, but he's definitely  
23 somebody who people in his neighborhood would take seriously,  
24 and the fact that he donated his time and his money to help  
25 others even though he wasn't able to help himself I think

1 speaks volumes.

2                 The final thing, your Honor, we're asking for a  
3 sentence below the sentencing guidelines. We think 37 months  
4 is an appropriate sentence in this case. We're also asking the  
5 Court to reduce the time by ten months that he has spent in  
6 state custody while serving parole violation. And we're asking  
7 the Court to -- for him to participate in RDAP program and for  
8 the Court to recommend that he serve his sentence as close to  
9 Chicago as possible.

10                 THE COURT: All right. Thank you.

11                 Before we hear from Mr. McGraw, let's go through the  
12 supervised release conditions so we don't have to do that at  
13 the end. And, of course, I'll reserve judgment on the length.  
14 So Page 25 of the presentence report, are there any objections,  
15 Ms. Dolgosheeva, to mandatory conditions 1, 2, 5, and 6?

16                 MS. DOLGOSHEEVA: No, your Honor.

17                 THE COURT: Those will be imposed as authored. With  
18 regard to No. 6, given the substance abuse concerns mentioned  
19 in the presentence report at Paragraphs 115 to 118, that is  
20 appropriate including all the way up to the 104 tests per year.

21                 On discretionary condition No. 1 which is on Page 26,  
22 is there any objection to No. 1, Ms. Dolgosheeva?

23                 MS. DOLGOSHEEVA: No objection.

24                 THE COURT: That does serve a rehabilitative purpose  
25 to provide financial support to dependents.

1 Any objection to No. 4, Ms. Dolgosheeva?

2 MS. DOLGOSHEEVA: No objection.

3 THE COURT: Obviously, employment always serves a  
4 rehabilitative purpose.

5 Then No. 6, I propose to add the word "felony" in  
6 front of "criminal activity" given the breadth of federal,  
7 state, and local law. Is there any objection to that edit from  
8 the government?

9 MR. ARCE: No, Judge.

10 THE COURT: And then with that edit, is there any  
11 objection, Ms. Dolgosheeva?

12 MS. DOLGOSHEEVA: No, your Honor.

13 THE COURT: And then No. 7, there is an alcohol issue,  
14 and it's referenced in Paragraph 115. And he's in AA now  
15 actually. And then the back half always applies.

16 So is there any objection to that, Ms. Dolgosheeva?

17 MS. DOLGOSHEEVA: No objection.

18 THE COURT: And then No. 8 and 9, any objection to  
19 those, Ms. Dolgosheeva?

20 MS. DOLGOSHEEVA: No objection.

21 THE COURT: 8 because the nature of the offense and  
22 the criminal history. No. 9, we've talked about the substance  
23 abuse issues, and there are mental health concerns as well  
24 including he's already on prescription medication right now.

25 Page 27, any objection for the defense for 14, 15,

1 skip 16 for the moment, 17, and 18?

2 MS. DOLGOSHEEVA: No objection.

3 THE COURT: Those are monitoring conditions that help  
4 the probation office monitor compliance with all other  
5 conditions.

6 No. 16, what I propose is uncheck the boxes for work,  
7 school, and community service location and then insert an  
8 objection period of seven days from the date of notification of  
9 a proposed visit. In other words, the probation office can  
10 still propose work or school or any other location so long as  
11 it's reasonable, and if the defendant objects, then he can file  
12 an objection with the Court within seven days of notification.

13 So is there any objection to that edit from the  
14 government?

15 MR. ARCE: As phrased by your Honor, that's no  
16 objection. I understand that they typically visit work and  
17 these other places as a last resort, so I think with your  
18 Honor's modification, that's agreeable to the government.

19 THE COURT: Okay. And then any objection to that  
20 condition with that edit, Ms. Dolgosheeva?

21 MS. DOLGOSHEEVA: No objection.

22 THE COURT: Page 28, any objection -- well, actually,  
23 so I propose an edit to No. 24 which is, remove "office"  
24 because I don't think interfering with employment, at least in  
25 the first instance, would make sense. We can always consider a

1 request from the probation office on that. So I would remove  
2 "office."

3 So is there any objection from the government to  
4 removing "office"?

5 MR. ARCE: No, Judge. I guess it would -- I'm trying  
6 to think through a way to sort of recapture that because as I  
7 understand it, the defendant is self-employed and so "office"  
8 at this point makes sense, but I understand your Honor's point.  
9 If you got sort of a --

10 THE COURT: Yeah, we don't know what his employment  
11 will be. So you can always come back and propose it upon  
12 release.

13 With that edit, is there any objection from the  
14 defense?

15 MS. DOLGOSHEEVA: Your Honor, I generally object to  
16 that condition. I think it's just overbroad, and it has a high  
17 potential of violating Mr. McGraw's constitutional right and  
18 other individuals' because it allows for warrantless searches.

19 THE COURT: The objection is overruled. The condition  
20 requires reasonable suspicion as the threshold. So there's no  
21 search without that at all. And then the defendant would be on  
22 supervision where the Fourth Amendment rights apply with less  
23 force.

24 And given the excision of "office," I think everything  
25 else -- and by the way, I think there might have been a

1 reference to "property" as being confusing. It is personal  
2 property. So we can make that edit. I'm not sure what other  
3 real estate property there might be later on but that, given  
4 the limitations that I've inserted, it is appropriate.

5 Page 29, special condition No. 3, I don't usually  
6 impose the community service authorization. I'd rather talk it  
7 through if this arises. So is there any objection from the  
8 government to not imposing 3 for now?

9 MR. ARCE: With that, Judge, we have no objection.

10 THE COURT: I'm sorry?

11 MR. ARCE: With that caveat that --

12 THE COURT: Yeah, you can always come back.

13 MR. ARCE: -- we can revisit it, yeah, no objection.

14 THE COURT: All right. It won't be imposed.

15 For the defense, any objection on Page 30 to No. 11?

16 MS. DOLGOSHEEVA: No objection.

17 THE COURT: That's for the safety of the probation  
18 office. So that will be imposed.

19 Any objection to 14?

20 MS. DOLGOSHEEVA: No objection.

21 THE COURT: And that will be imposed to serve a  
22 rehabilitative purpose.

23 What's the government's position on, it's Page 31,  
24 No. 15?

25 MR. ARCE: Judge, the government takes the PSR, the

1 summation of some of these violations including ones that would  
2 fall under this particular condition at face value. Given the  
3 factual basis outlined in the PSR, I think No. 15 is  
4 appropriate given, it wasn't just like a one-time thing. I  
5 think they had outlined there were three separate instances in  
6 which this happened.

7 THE COURT: Okay. Does the probation office want to  
8 elaborate on this any more?

9 THE PROBATION OFFICER: Just kind of emphasizing that  
10 it would be an evaluation and assessment initially and if  
11 someone, if they deemed it appropriate, then we would proceed  
12 with treatment. But initially, it's just the evaluation and  
13 assessment to see if it is necessary based on the facts in his  
14 background.

15 THE COURT: Okay. Yeah, I appreciate that. However,  
16 I'm not going to impose it for now. I think the information in  
17 Paragraph 59 which has to do with the 2013 alleged incident,  
18 there's just been no proveup of that, and he was released  
19 without charging. So it is very difficult to credit those  
20 facts against Mr. McGraw.

21 And then while it is concerning that in IDOC there  
22 were these three other incidents, given that he will be under  
23 the care of a mental health provider due to the other  
24 condition, if that mental health provider believes that an  
25 assessment along these lines is required, then I would expect

1 that mental health provider to raise it, and then we can talk  
2 about it at that point but I don't think even on the record  
3 right now. So I certainly appreciate the proposal by the  
4 probation office, but it's not quite there, I think, in terms  
5 of needing to be imposed.

6 All right. Mr. McGraw, now is your opportunity to  
7 speak on your own behalf. So if you would like to say  
8 something, please go ahead.

9 MS. DOLGOSHEEVA: Your Honor, may he briefly use the  
10 washroom one more time?

11 THE COURT: Yes. Let's take five minutes.

12 (Recess from 3:46 p.m. to 3:54 p.m.)

13 THE CLERK: Please be seated and come to order.

14 THE COURT: Okay. We're back on the record, same  
15 appearances.

16 Mr. McGraw, now is your opportunity to speak, so  
17 please go ahead.

18 MS. DOLGOSHEEVA: Does your Honor want him to go up  
19 there?

20 THE COURT: No. You can stay seated and talk into the  
21 mike, please. Thank you.

22 THE DEFENDANT: Okay. So what all can I talk about?

23 THE COURT: Anything you want.

24 THE DEFENDANT: Okay. First, I got some stuff to say  
25 before my actual statement because I know my attorney didn't

1 really want me to talk about it, but I feel the need to because  
2 it's a lot of stuff and a lot of factual basis that's portrayed  
3 differently than what it really is. Like, I been sitting here  
4 all this time, and I have to speak upon it for somebody just to  
5 assassinate my character as a man and as a father and as a  
6 king.

7 I do not hurt people. That's not me. I help people.  
8 I know I been through some rough stuff. I still help people no  
9 matter what. I been shot up. My friends been getting killed.  
10 I never seek revenge, never, ever. The first time I was locked  
11 up, it was for a reckless discharge. I was fresh out the  
12 hospital from getting a bullet fragment and a bladder stone out  
13 of my bladder.

14 I went home. It was right after New Year's. I saw  
15 different videos. I'm not making no excuses. I'm telling you  
16 exactly how it is. I'm not sugar coating it. I'm letting you  
17 know. I saw videos of some of my friends shooting in the air  
18 for New Year's, and I wanted to do it too. Yeah, I did it, but  
19 it was no kids in the house. I could barely even walk. I did  
20 it just to be a follower. I wasn't trying to hurt nobody. I  
21 never hurt nobody. I got locked up for that. I took my time  
22 for that. I accepted my responsibility and got on probation.

23 Unfortunately, right after that, two of my friends got  
24 into an incident, an isolated incident that had nothing to do  
25 with me. Instead of people speaking the factual basics, they

1 are basically determined and, like, it was bad because of an  
2 online inquiry, not because a factual basis, not because of  
3 discovery of an online inquiry. I could put in anything on  
4 Google right now about somebody, and it wouldn't be true.

5 It was an isolated incident. Two of my friends shot  
6 each other. Unfortunately, one of them got killed. I got  
7 locked up because I was in the car. He jumped out of my car.  
8 I was in the passenger seat. I got locked up. I did seven  
9 years of my life in jail for my friend getting killed. I had  
10 nothing to do with it. I never hurt nobody.

11 All of the seven years I was locked up, my family  
12 was -- was breaking bad. People was leaving me. My mom got  
13 incarcerated. My friends was dying. And I still tried to stay  
14 as strong as possible.

15 I tried to kill myself on, like, three different  
16 times, tried to kill myself, took a lot of pills, hung myself.  
17 It was times where I was at my lowest, and God kept me here for  
18 a reason. So when I -- the beginning of my time, I thought I  
19 was never going home, never. So, yeah, I was doing stupid -- I  
20 didn't care. My mind was everywhere. They was putting me on  
21 ten different psyche meds. I was losing control.

22 I make mistakes. But at the end of my incarceration,  
23 I started putting a plan together to better myself, to move my  
24 family out from around this and move me out the area, anywhere  
25 in Chicago where I got trauma. Of course, I've been having

1 trauma. I got shot up 16 times. I still got bullets in me. I  
2 just popped a bullet out of my leg in jail.

3 So, yes, I tried to come up with a plan. When I first  
4 came home, the first thing I did was start doing my business.  
5 I set up my corporation. I got my kids with me. I set them up  
6 a college fund. Even I was -- I got out April 12th. I had,  
7 like, \$300 to my name. My -- I knew my mother's birthday was  
8 coming up April 24th. And I missed seven of her birthdays. I  
9 spent every dollar I had just to surprise my mother for a  
10 birthday party, and it was -- it's people that's here that was  
11 there.

12 I wasn't on the streets gang-banging. I wasn't  
13 hanging on no street, no shoes, none of that. Unfortunately, I  
14 was in the bad neighborhood. It's not an excuse. I tried to  
15 move to Texas. I don't know if God didn't want me to go there  
16 for a reason or whatever happened, but I put in the address in  
17 Chicago and it was approved. It's approved on 57th Street.  
18 I'm not going to put the other street because it's on the  
19 record.

20 The neighborhood I grew up in is six blocks over. Two  
21 blocks where I was living from, one of my friends got killed,  
22 got found in the alley which is Ms. Lasheena Weekly's nephew,  
23 Brown Weekly, two blocks away from there.

24 So I'm not this person they trying to portray. I'm  
25 not no bad person. I make -- everybody makes mistakes. And

1 just because of my profession, a rapper, that don't make me a  
2 bad person. I do that to take care of my family. That's what  
3 I can do. Y'all went to law school, you know what I'm saying.  
4 I didn't have them opportunities. I found -- I found an avenue  
5 and tried to make a way for myself.

6 I just, I go through stuff, you know. Like, I always  
7 was brought up to be a leader and not a follower, and I was  
8 always brought up to be a real man. So I'm not going to lie to  
9 you. When I got out and I knew the neighborhood I was going to  
10 live in, yes, I asked for a weapon. I did. Not making no  
11 excuses. I needed a weapon because I didn't want to get  
12 killed.

13 My second -- my second day out of jail, I was with my  
14 ex-girlfriend Zyesha. I was at a gas station. I was about to  
15 pump the gas, saw two little kids, 15, 16, hop out of a truck  
16 with guns out and mask on. You know how that made me feel? I  
17 thought they was about to rob -- I didn't know what was going  
18 on, and this was going on.

19 I haven't seen the world in seven years, and that's  
20 the first thing, experience I get? Yeah, I asked for a weapon.  
21 I needed to protect myself. I didn't have -- I didn't have the  
22 resources to move. I was flat broke. So yeah, I had a weapon.  
23 I was going to protect myself so I could be able to take care  
24 of my family.

25 This incident that happened, it was stupid and it was

1       childish of me. I was -- I wasn't in my right state. I don't  
2       hit no women, man. That's cowardly. I don't hit no women,  
3       man. I don't do that stuff. This is -- it hurt me to this  
4       day. That was somebody that I love and I hurt, and I don't --  
5       I don't even remember. It was just a blur.

6                 I don't -- like, it's -- I'm not a bad person, your  
7       Honor. I know it may look like it or what they try to portray  
8       me, but that's not me. I been trying to better myself. I see  
9       the mistakes that I made, you know. Sometimes I make impulsive  
10      decisions, but I've been to AA. I've been to all type of  
11      classes to control it. I'm even back on my psyche meds, you  
12      know, because sometimes it takes one second to think and then  
13      to determine the rest of your life.

14                 Unfortunately, I made a dumb, childish, cowardly  
15      mistake. It wasn't intentionally. Like, I'm not making no  
16      excuses whatsoever. I didn't go over there with the intent to  
17      hurt nobody. I just wanted my belongings. And I been hurt so  
18      long, everything was a blur because I feel like I been  
19      backstabbed so much and people just snake me out.

20                 I don't know, man. I was -- I did some childish  
21      stuff, man. I should have never did that. I'm ashamed of  
22      myself. I got my family here. They hear this crap. My  
23      daughter hear this. I'm not happy I did this, man. I -- I'm  
24      going to say -- I'm going to say my letter.

25                 After a long self-examination, I have came to the

1 conclusion of me being honest and take responsibility of my  
2 actions is the only way to better myself. I am very regretful,  
3 remorseful, and I ask God for forgiveness every day. In no  
4 way, shape, form, or fashion is what I did acceptable. Every  
5 day I'm also making myself a better man, a better father so I  
6 can be able to take care of my responsibilities as a man and  
7 never miss another day out of my kids' and my family's life.

8 I understand by me being here has put a lot of hurt on  
9 my family and placed me as a burden. I've been through a lot  
10 in my life that's caused me to have a lot of inner problems and  
11 also a bad temper which I'm currently trying to fix  
12 permanently. I am constantly being taken out of my kids' life  
13 which has forced me to raise them over visits, phone calls  
14 which makes me feel like a coward, a true coward. I feel like  
15 a coward because of not just living right and up to my true  
16 potential, I constantly make dumb mistakes, impulsive decisions  
17 that takes times out of their life.

18 I lost my temper the day of this incident because I  
19 felt the woman who planned -- I planned to be with and trusted  
20 broke my privacy, disrespected me, and threatened to damage my  
21 clothes and other replaceable items. When I sat back and  
22 thought, that was the dumbest, immature, cowardly thing I could  
23 have ever did in my entire life.

24 I grew up watching my stepfather abuse my mother, and  
25 I hated him for it, and now I did the same thing. And I can

1 honestly say I hate myself even more. No woman on this earth  
2 deserves to be abused by someone they love, look for  
3 protection, or by no man at all. No matter what, I should have  
4 never put my hands on Zyesha. I should have never did it.

5                 Sometimes my temper is so bad, I do and say stuff  
6 without thinking and regret it afterwards when it's already too  
7 late. Not only has I lost a significant other, I also lost  
8 time out of my kids' life. I've inconvenienced my family.  
9 I've inconvenienced the courts.

10                No matter what the outcome of today is, I'm going to  
11 continue working harder to become a better man, a better  
12 father, entrepreneur, and a law-abiding citizen. I'm never,  
13 ever going to carry a gun again in my life. I don't care if  
14 it's World War III and I'm put in the war, it's not going to  
15 happen, period.

16                I will never hurt anyone mentally, physically, or  
17 emotionally ever again no matter the circumstances. To better  
18 myself, I'm going to continue to have my weekly visits with my  
19 therapist and seek the best treatment for my mental health  
20 diagnosis. I'm going to continue to go to AA and find a  
21 sponsor. I'm going to continue to do charity events to help  
22 kids get off the streets and give them an opportunity so they  
23 will never make the dumb mistakes that I did no matter what  
24 their upbringing is.

25                I'm going to advocate for people with mental health

1 issues and show people even the strongest people may need help.  
2 I'm going to take care of my family and turn my corporation  
3 into a multi-billion dollar corporation. I'm going to use my  
4 life of mistakes as a living testimony through my music and my  
5 work ethics. I'm going to be a more productive member of  
6 society and work on eventually getting my criminal record  
7 expunged and sealed. I'm also going to continue to pray for  
8 forgiveness and leave everything in God's hands.

9           First off, I want to say I'm sorry to my kids. I love  
10 you, baby. I want to say I'm sorry to my family. I'm sorry to  
11 my family for putting them -- putting y'all through this,  
12 embarrassing y'all, taking time out of y'all jobs. My daughter  
13 ain't at school all because I'm -- some childish stuff. I also  
14 want to apologize to the judge and the courts for my  
15 inconveniencing.

16           I want to thank my attorney, Ms. Yelena Dolgosheeva,  
17 for taking the time to actually see the good in me and fight  
18 for me. And I promise to all of y'all, I'm taking my  
19 responsibilities for my action, and I learned my lesson. I  
20 promise y'all, no matter what today's outcome is, I'm going to  
21 do whatever I have to do to better myself and make y'all proud.  
22 No matter if it's mental health treatment, prison,  
23 self-rehabilitation, I'm going to do whatever it takes, and I'm  
24 going to make it count.

25           I wish I could turn back the hands of time but I

1 can't, so from now on I'm no longer living in the past because  
2 if you keep living in the past, you'll never have a future.

3 THE COURT: Thank you, Mr. McGraw.

4 Federal law tells judges what we need to consider in  
5 picking a sentence. I do need to consider the nature and  
6 circumstances of the crime that you committed as well as your  
7 personal history and characteristics. And then Congress has  
8 told judges that we have to try to achieve certain goals of  
9 sentencing and then pick a sentence that is enough but not more  
10 than needed to achieve the goals.

11 The goals of sentencing include promoting respect for  
12 the law. The sentence must reflect just punishment. The  
13 sentence does also need to reflect the seriousness of the  
14 offense. I have to try to achieve what the law calls  
15 deterrence. And in the law, there's two kinds. There's  
16 specific deterrence, which is picking a sentence that is  
17 more -- that is enough but not more than needed to encourage  
18 the specific defendant in the case to not commit another  
19 offense; and then there's general deterrence which is sending a  
20 message out generally to the rest of the community to not  
21 commit crimes like this.

22 I do need to provide for the protection of the public.  
23 I do take into account medical, rehabilitative, employment  
24 needs. Those kinds of needs can only push a sentence down.  
25 That's never a reason to keep someone in prison longer.

1           I do consider the advice of the sentencing guidelines.  
2 And I also have to avoid what the law calls unwarranted  
3 disparity which means that I ought to treat you the same way I  
4 treat any other defendant who has been found guilty of similar  
5 conduct and who has the same kind of history that you do. So  
6 those are all the goals and factors that I need to balance in  
7 picking a sentence.

8           The first one, you'll remember, is the nature and  
9 circumstances of the offense. And Congress has passed this law  
10 that prohibits someone who's been convicted of a felony from  
11 possessing a firearm. And the idea is that just the mere  
12 possession of a firearm poses a danger when that person has  
13 committed a felony before.

14           But here, the particular circumstances are far beyond  
15 just possession of a firearm after being convicted of a felony.  
16 It's not just any firearm. This was a firearm with an auto  
17 sear switch which made it a machine gun, and that is a  
18 horrible, horrible firearm. And then even worse, it's not just  
19 mere possession. You did point the gun at two victims and then  
20 threaten to kill them. And this is after you punched this  
21 victim bloody and bloodied her mouth, it was that -- that  
22 serious of a strike and broke her jaw. So this goes well  
23 beyond just the usual possession of a firearm after a felony.

24           And then on top of that, your criminal history is  
25 serious. There is the reckless discharge of yet another

1 firearm and then conspiracy to commit murder which did result  
2 in a gun shooting death of your friend. And I do need to, and  
3 I credit your admission in state court under oath that you did  
4 conspire to commit a murder. So you're kind of walking away  
5 from that. I do understand, it was very -- it was a very, very  
6 short plea colloquy. I have not seen plea colloquies that  
7 short in a long time, but you did plead guilty to that offense,  
8 so I need to take that into account. So it was a very serious  
9 offense.

10           And this idea that -- and it sounds like from what you  
11 have now just said, you now understand that it is not an excuse  
12 to carry a firearm just because you are -- live and work and  
13 your family is in a dangerous area. And it is, it's up to  
14 Congress and state legislatures and other branches of  
15 government to try to stop overlooking these neighborhoods so  
16 that there -- people can live and work and play in safe places,  
17 but when the criminal justice -- like, our role here is to make  
18 sure that people don't think that the solution to a -- living  
19 in a dangerous neighborhood is to carry a gun with them. In  
20 that way, madness lies because then that's really leading to  
21 everyone being armed in these neighborhoods, and that will only  
22 make things so much worse.

23           So from the criminal justice system's perspective, we  
24 do have to fight against that kind of thinking and deter those  
25 kinds of offenses. And in the end, you ended up not carrying

1 that machine gun for purposes of just self-defense if you were  
2 attacked. You used it to threaten others. So that's where it  
3 ended up.

4           You did plead guilty. Although you did not accept  
5 responsibility for purposes of the formal sentencing  
6 guidelines, at least from what you have said just now, you  
7 understand that you must never pick up another firearm and that  
8 you do need to make your criminal history, history so that it  
9 is in the past and not controlling your future. So I do hear  
10 from you that you are -- you're ready to move on.

11           At the same time, I have to look at your criminal  
12 history. It is part of the record. And I think I would be  
13 naive if I thought that there is zero chance that you're going  
14 to re-offend. There's no way for me to make that finding when  
15 this offense was committed three months and two days after you  
16 were released on state parole for conspiracy to commit murder.  
17 So way too naive for me to think that. And at the same time, I  
18 understand that you are trying to take some additional steps to  
19 rehabilitate which I'll mention in a moment.

20           With regard to your upbringing, it was horrific. You  
21 know, raised by mostly a single mother and then suffering the  
22 physical and sexual abuse which I don't -- I won't repeat.  
23 It's in Paragraphs 73 through 75 of the presentence report  
24 although it has been publicly mentioned today. In some ways,  
25 that is a healthy recognition that you need to get these things

1 out and you need to talk about them.

2           And so I understand that that upbringing -- and it's  
3 in Woodlawn surrounded by guns and violence, and that not only  
4 did your family members and friends suffer the violence, you  
5 yourself were shot and it seems like set up twice at least to  
6 get ambushed. So that does add to the understanding of why you  
7 had started down this path and including the reckless discharge  
8 offense, but at the same time, as I said, the criminal justice  
9 system does have to intervene.

10          There are many thousands of young men who grow up in  
11 the -- these impoverished areas of Chicago that do not then  
12 recklessly discharge a gun, who do not conspire to murder, who  
13 do not punch victims and then threaten a mother and a daughter  
14 at gunpoint that you are going to fucking kill them. So that,  
15 I understand why that path began, but I think you have to  
16 understand that the criminal justice system has to intervene  
17 when this happens.

18          Separation from family, that is the worst part of  
19 every sentencing because they've done nothing wrong and yet  
20 they're being separated from you. And both the letters and the  
21 speakers today as they amplified on their letters from your  
22 mother and your aunt to your brother, cousin, family friends,  
23 the list goes on, they all speak to how much you have  
24 contributed to their personal lives and then also to the  
25 community at large through volunteer and charitable donations.

1 And so that is to your credit.

2           And separating you from your children, one of whom you  
3 call a stepson, it's not formal in that way but I'm sure you  
4 feel it that way and I'm sure he does too. So he's, in effect,  
5 one of your children as well. That is -- it's awful, right, to  
6 have to undergo that family separation both for them and for  
7 you. So I do take that into account.

8           I do need to, however, Mr. McGraw, sentence -- there's  
9 two versions of Jeff McGraw. There's the Jeff McGraw who's  
10 contributed to this family life and community life, and there  
11 is also the Jeff McGraw who pointed a machine gun at these two  
12 victims, and I have to take that into account as well. So the  
13 sentence is not a reflection of how you treat your family and  
14 your friends. It's a reflection of the -- both the criminal  
15 history and this particular offense.

16           The rehabilitative steps are very significant.  
17 Looking at your class schedule during pretrial detention, 200  
18 classes, 182 hours' worth of programming. There were some on  
19 the bottom of the list that you didn't quite finish and needs  
20 improvement. I know it was, like, two or three minutes, but  
21 there was a very long list in advance of that where clearly,  
22 all manner of classes, whether it's occupational or mental  
23 health, personal relationships. That is a significant step. I  
24 think that number of hours that you spent trying to improve  
25 yourself is, that's a very good sign, and it's something that

1 obviously I will take into account.

2           With regard to the possibilities of employment  
3 afterwards, there -- I think you either said outright or  
4 implied that, like, just because you are a rapper, you feel  
5 like you were being treated differently. The fact that you  
6 were able to secure the record deal, that's a positive sign.  
7 It is a positive sign to have been able to enter into that  
8 contract and then start spreading some of that wealth around to  
9 the family and to the community. So there are some  
10 rehabilitative prospects there including employment and perhaps  
11 as a rapper again which would be a positive thing.

12           I do also take into account the physical and mental  
13 health conditions that have been raised, both verbally and also  
14 in writing; with the chronic pain that you suffer from various  
15 ailments and not least of which the shootings. And in terms of  
16 your mental health, you are already diagnosed with and  
17 prescribed medications for the depression as well as other  
18 disorders. Straight-out PTSD, I'm not -- I don't think that  
19 the -- it's fair to say that the pretrial facilities have been  
20 ignoring your mental health. They seem to be assessing it and  
21 providing help, both medication and counseling. So I don't  
22 think that's being ignored.

23           I think everyone wishes, you most of all, that you had  
24 access to mental health counseling earlier on and maybe, maybe  
25 the path would have been different here. So I take that into

1 account. At the same time -- well, before I explain the  
2 counter to that, the prior attempts at suicide, I think it was  
3 actually five listed in the presentence report. That plus the  
4 physical condition and the mental health conditions, prison is  
5 harder for you, I think, than defendants who do not suffer from  
6 those other conditions, so I take that into account, that every  
7 day you do is a harder day than others.

8 So here's the counter, the "but." I do need to still  
9 take into account the seriousness of the offense, the need to  
10 provide for general and specific deterrence, and to protect the  
11 public, to guard against repeat offense.

12 And there's also this idea, and I understand why your  
13 defense lawyer made the argument, but to get credit against the  
14 federal sentence for the time you were on state parole hold,  
15 you were on parole for conspiracy to commit murder. So it is  
16 not surprising that there would have been a parole hold against  
17 you immediately after the commission of this offense. And  
18 yeah, it took the federal government ten months to bring the  
19 case over from state court, but I don't think it's very much  
20 mitigation against the federal sentence, but I have considered  
21 that.

22 So on balance, given the need to -- the need for the  
23 sentence to reflect the seriousness of the offense, to provide  
24 for deterrence, both general and specific, at the same time  
25 recognizing the mitigating facts as well, the appropriate

1 sentence is a sentence of 108 months' imprisonment.

2           With regard to supervised release, for now a  
3 three-year term is needed given the criminal history and the  
4 nature of this offense. And the conditions will be as I  
5 imposed earlier. No fine will be imposed because there's no  
6 ability to pay.

7           For the defense, is there any objection to the  
8 forfeiture judgment?

9           MS. DOLGOSHEEVA: No objection.

10          THE COURT: We will enter the forfeiture -- well, the  
11 forfeiture order first.

12          A \$100 special assessment must be assessed for the  
13 felony conviction.

14          I will recommend mental health treatment in the  
15 facility as well as the RDAP program. And I do recommend that  
16 the BOP immediately review and assess the defendant's mental  
17 health after the -- now that the sentence has been imposed.

18          With regard to the appeal rights, you have 14 days  
19 from entry of judgment of the -- on the docket to file a notice  
20 of appeal. If you can't afford the fees or costs of appeal,  
21 then you can ask to have them waived and you won't have to pay.  
22 If you continue to not be able to afford an attorney for the  
23 appeal, then ask to have an attorney appointed free of charge,  
24 and one will be appointed free of charge.

25          THE DEFENDANT: How do I do that?

1 THE COURT: Ms. Dolgosheeva will help you through  
2 that.

3           And if you want a notice of appeal prepared right now,  
4 that, we can do. Yes?

5 THE DEFENDANT: Yes.

THE COURT: Okay. The clerk will prepare a notice of appeal and enter a notice of appeal on the defendant's behalf.

8 But Ms. Dolgosheeva will walk you through the other parts in  
9 terms of getting an appointment of counsel for the appeal.

10 Okay. Is there anything else for the government?

11 MR. ARCE: No, your Honor. Thank you.

12 THE COURT: Okay. And from the probation office?

13 THE PROBATION OFFICER: No, your Honor.

14 THE COURT: And the defense?

15 MS. DOLGOSHEEVA: No, your Honor.

16 THE COURT: Okay. Then we are adjourned.

17 || (Proceedings adjourned at 4:27 p.m.)

18 \* \* \* \*

19 I certify that the foregoing is a correct transcript  
20 from the record of proceedings in the above-entitled matter.

21 /s/Judith A. Walsh

March 15, 2025

22 || Judith A. Walsh, CSR, RDR, F/CRR

Date

23 || Official Court Reporter

24